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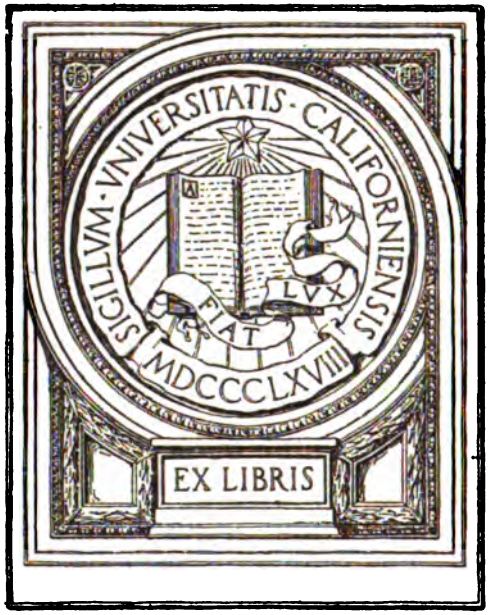
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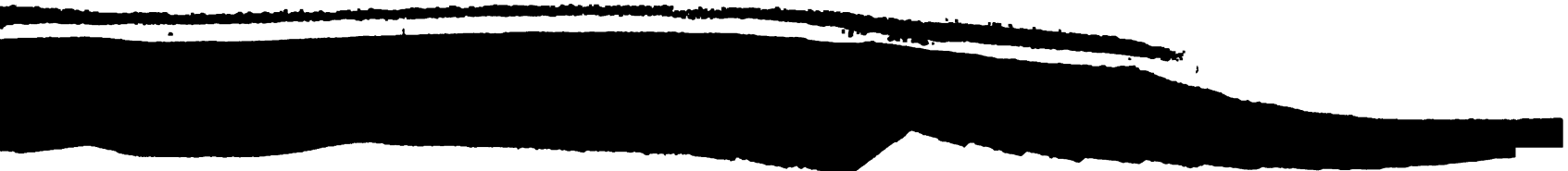

EXCHANGE

UNIVERSITY OF ILLINOIS STUDIE
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VOL. VI MARCH, 1917 No.

THE VETO POWER OF THE GOVERNOR OF ILLINOIS

BY

NOTELS H. URBEL, PH. D.
[illegible]
University of Illinois

PART I

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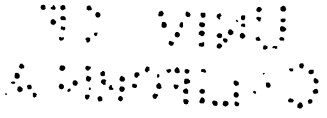

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The Veto Power of the Governor of Illinois

NIELS H. DEBEL, Ph.D.

PREFACE

The veto power of the American state governor has long been neglected by students of political science. There are in existence several summaries of constitutional provisions. In a few cases, also, have there been attempts to discuss the historical growth of the governor's veto power. But these have all concerned themselves with the spread of the veto power among the states, and have not taken up in any satisfactory manner the development and strengthening of that power.

The present study is an attempt to investigate not only the development of the veto power in Illinois but also its actual operation. It is hoped that others may do the same for other states. Only then will it be possible to treat the subject generally and in the manner it deserves.

I wish to express my indebtedness to Professor W. F. Dodd, now of the University of Chicago, in consultation with whom the subject of this study was determined upon, and who has read the manuscript; to Professor C. W. Alvord, director of the Illinois Historical Survey, for the use of material collected by him; to Mrs. Jessie Palmer Weber of Springfield, Illinois, for the use of the collections of the Illinois State Historical Library; to the Hon. Lewis G. Stevenson, secretary of state, for courtesies and aid extended while searching for material in the state archives. I wish especially to express my appreciation and gratitude to Professor John A. Fairlie of the University of Illinois for the many kind and helpful criticisms made by him during the course of this investigation.

N. H. Debel.

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UNIV. OF CALIFORNIA

CHAPTER I

GENERAL DEVELOPMENT OF THE VETO POWER IN THE UNITED STATES

ORIGIN OF THE VETO POWER

The veto power, like many others of our political methods, is an adaptation of a British practice transplanted to American soil. To study the veto power of the governor of Illinois most profitably, therefore, it seems best to trace it from its source; to note its early translation to the colonies in America; and to study its development in our self-governing states.

The veto power in early England was a royal prerogative. According to the best theory of absolute monarchy the king was, not the state, as Louis XIV would have said, but the people of the state personified. The sovereign power was merged in his person.[1] He made laws on his own motion or in response to petitions from his subjects. As late as the fourteenth century laws were made by the king and the lords upon the petitions of the commons.[2] In the year 1414 the king consented not to alter petitions. In 1445 the commons were definitely recognized as part of the law-making power. Since that day laws have been made by the king, by and with the advice and consent of the lords spiritual and temporal and the commons—"and by the authority of the same."[3] Whatever may be the facts, the law is still theoretically the king's law. Laws are still enacted by the king's most excellent majesty, etc. Assent is still given in the old Norman phrase: *le roy le veult;* and an act of Parliament is not law without this formal consent.[4]

With the growth of Parliament the veto power has fallen into desuetude. While the theory still holds that the laws are

[1]Hobbes, *Leviathan,* pp. 157-158, 173 ff. (Molesworth Ed.)

[2]Ilbert, *Parliament,* p. 23.

[3]Maitland, *Constitutional History of England,* p. 423.

[4]It may be noted that in the American charter colonies and in the states after the establishment of independent governments the executive is dropped from the enacting clause. Veto cannot then be made by simple inaction, but becomes a formal act of dissent.

made by the king's most excellent majesty, we must not forget that he always acts "by and with the consent of the lords temporal and spiritual and the commons." The king always wills what he is petitioned to will. The veto on Parliamentary acts was used the last time in 1707, when Queen Anne rejected the Scotch Militia Bill.[5] It is barely conceivable that circumstances might arise under which the king would now oppose a veto to the clear will of the majority in Parliament.[6]

But though the veto power at home has declined, it has been found convenient to maintain it for colonial purposes. Legislation in British colonies is still subject to the veto of the king. That he always acts "in council" is simply a convenient method to insure that he does not act contrary to the will of the party in power.[7]

THE VETO POWER IN THE AMERICAN COLONIES

While vetoes of colonial legislation are sparingly made in the British Empire today, that can hardly be said of the practice of a hundred and fifty years ago. Here the veto power was practically undiminished. That the power was wielded not in vain is abundantly testified by the fact that the first item in the long list of grievances against the King of Great Britain enumerated by the Declaration of Independence is on account of the use of the veto power. "He has refused his assent to Laws, the most wholesome and necessary for the public good," so runs the indictment.

For the purpose of our discussion of the colonial veto power, it is convenient to follow the customary division of the colonies into three classes: charter or republican, proprietary, and royal. In the charter colonies the governor had no veto power. He was assisted by, and could act only in cooperation with, his assistants or councillors, who like himself were chosen annually by the freemen of the colonies.[8]

In the proprietary colonies the proprietor exercised the right of veto. During his absence this power was delegated to his deputy. That he afterwards—after the deputy had assented to legislation—from time to time insisted on revising the latter's

[5]Maitland, *Constitutional History of England*, p. 423.

[6]*Ibid.*

[7]Lowell, *Government of England*, II pp. 404-405; Dicey, *Law of the Constitution*, p. 110 and note. (Ed. 1908).

[8]Thorpe, *Federal and State Constitutions*, Charter of Connecticut, 1662; Charter of Rhode Island, 1663.

decisions, caused considerable friction. It was thought that inasmuch "as the charter gave the right of legislation to the proprietor and freemen, the absence of the proprietor ought not to add a second veto."[9] The proprietor was forced to yield; but he proceeded to limit and restrict the deputy's power of assent to such an extent as to render nugatory the reforms accomplished.[10] In only one of these colonies did the crown reserve the right of veto. In William Penn's charter of 1681, founding the proprietary colony of Pennsylvania, "the crown reserved the right to declare void, within six months after delivery in England, legislative acts of the colony inconsistent with the supreme allegiance due to the crown."[11]

In the royal colonies the veto power of the governor was absolute. Not only was his veto absolute, but his power of assent was limited. Certain acts could not be signed by him at all. They could be approved only by the king in council. Others could be passed and assented to providing they carried a suspending clause deferring their operation until such time as they should have been approved by the king. Finally, all measures assented to by the royal governor were subject to disallowance at any time afterwards by the king. Such acts were allowed to remain in force until disallowed. In the case of Massachusetts, however, disallowance could be made only within three years after presentation to the king. But this provision was evaded by not making formal presentation of colonial acts before the expediency of a veto had become apparent.[12]

EXTENSION OF THE VETO POWER

The Attitude of the Original States toward the Veto Power.—During the struggle with Great Britain, the governor had been the ally of the king. The popular assembly, on the other hand, had truly represented the people. The result was that the early American state-builders had confidence in legislative assemblies, with a corresponding distrust of the executive.[13] This is clearly reflected in the absence of the executive veto power in our early state constitutions. Of the thirteen original states only three provided for a veto power. The first of these three to be adopted was the temporary constitution of

[9]Greene, *The Provincial Governor*, p. 13.
[10]*Ibid*, pp. 13-14.
[11]*Ibid.*, p. 6.
[12]*Ibid.*, pp. 162-165.
[13]Beard, *American Government and Politics*, pp. 87-88.

South Carolina of 1776.[14] The fact that this was intended as a makeshift merely until "an accommodation of the unhappy differences between Great Britain and America" could be brought about, perhaps explains why the governor was permitted to continue to exercise an absolute veto.

The constitution of New York of 1777 vested the veto power in a council of revision, composed of the governor, the chancellor, and the judges of the supreme court. Bills could be passed over the veto by a two-thirds vote in each house. The council was given ten days for the consideration of bills. If not vetoed within that time, bills were to become effective without the assent of the governor. Vetoes with the reasons therefor in writing, were to be returned to the house in which the particular bill in question had originated, where they were to be entered at large in the journal and considered in connection with the question of re-passage. If the legislature should adjourn before the expiration of the ten day period given the council for the consideration of bills, the return of the veto was to be made on the first day of the next meeting of the legislature, or the bill was to become a law.[15] It has been thought desirable to call attention to the details of the New York provision on account of the fact that it was adopted with scarcely a change by the Illinois Constitutional Convention of 1818.[16]

The third of the original states to adopt the veto power in its first constitution was Massachusetts in 1780. This provision is remarkable for the fact that most of its essential features were adopted by the national Constitutional Convention of 1787, and thereafter by most of the states of the Union. It provided that a bill or resolve should be submitted to the governor for approval or disapproval; that if he should approve it, he should sign it; but that if he did not, he should return it with his reasons in writing to the house in which it had originated; that his message should be entered in the journal; and that upon reconsideration two-thirds of the members of each house might pass the bill over his veto. The time given the governor for the consideration of bills was five days.[17] If any bill should not be returned by the expiration of that period, it was to become law

[14] *Ibid.*, p. 30.

[15] Thorpe, *Federal and State Constitutions*, etc. Unless otherwise indicated all references to constitutional provisions are to Thorpe.

[16] See below, chapter II. Illinois was the only other state to try the council of revision plan.

[17] The national Constitution gives the President ten days.

without his assent. No provision was made for the contingency of adjournment before the expiration of the five days. Bills could not, therefore, be vetoed after adjournment.[18] To remedy this defect an amendment was adopted in 1820 providing that bills vetoed, the return of which had been prevented by the adjournment of the General Court, should not become law.

It was noted above that the constitution of South Carolina of 1776 was a temporary makeshift. In 1778 a revised constitution was adopted, wherein the veto power was abolished altogether. It was also noted that in New York the veto power was not vested in the governor, but in a council of revision. It may perhaps be said, therefore, that Massachusetts was the first of the states to grant the governor the veto power. The remainder of this chapter will be devoted to a discussion of how this power has spread until it is possessed by every state governor in the Union but one. An attempt will be made to discuss its growth in two directions, so to speak, its spread among the states and its development as an efficient tool in the hands of the executive.

By 1780, then, only two of the original states had the veto power, namely, New York and Massachusetts. Nor were the rest of the original states quick to fall into line. During the following twenty years, 1780-1800, three adopted it, Georgia in 1789, Pennsylvania in 1790, and New Hampshire in 1792. From that time onward till after the Civil War—a period of over 75 years—only two more adopted it, Connecticut in 1818 and New Jersey in 1844.

At the end of the Civil War there were still six of the original states which denied their governors the veto power. Maryland made provision for it in her constitution of 1867. Two others, South Carolina and Virginia, adopted it in their reconstruction constitutions, the former in 1868 and the latter in 1870. That left only three of the original states. Delaware authorized the governor's veto in 1879, and Rhode Island in 1909. It remains for North Carolina to stand out alone, not only as the single one of the thirteen original states, but of all the states in the Union, to deny her chief executive the veto power.

The Attitude of the New States toward the Veto Power.—While the original states were slow to grant the veto power, the reverse has been true of the new states. Only three of these, Tennessee, Ohio, and West Virginia, did not adopt it in their first constitutions. Tennessee waited from 1796 to 1870, West

[18]The national Constitution provides that if Congress by its adjournment shall prevent the return of bills, such bills shall not become law.

Virginia from 1862 to 1872, and Ohio, from 1802 to 1903. The fact that new states so generally provided for the veto power, may be at least partially explained by the fact that Congress in establishing territorial governments always provided for a veto power. At first this was absolute. But, beginning with the Florida act of 1822, it gradually became customary to provide that two-thirds of the members of the legislative assembly might overrule the veto.[19]

DEVELOPMENT OF THE VETO POWER

The development and strengthening of the veto power in the several states is, perhaps, the best evidence of the growth of confidence in the governor. The mere statement that the veto power is granted to this or that governor does not indicate whether or not it is effective. That will be disclosed only upon closer examination. And here arises such questions as these: what vote is necessary to override the veto? how much time does the governor have to consider bills, first, while the legislature is in session, and, second, after adjournment? and, finally, does he have the power to veto items in appropriation bills? These questions will be considered in the order mentioned.

The Size of the Vote required to Override the Veto.—With regard to the vote required to override the veto two lines of development were suggested at the beginning of our independence. Two different precedents were made. It is hardly conceivable, however, that we could have adopted the South Carolina plan of an absolute veto. As we have seen, South Carolina herself abandoned it in 1778, two years after she had established her first state government. The other precedent was set by New York and Massachusetts. Both had adopted a qualified veto. Massachusetts required a two-thirds vote of the total membership of each house of the legislature to override the veto. New York required two-thirds of the total membership in the house in which the bill had originated and two-thirds of those present in the other house.

The New York-Massachusetts plan may seem to have prevailed from the first. During the first seventy-five years of our national existence, twenty-three states having adopted the veto power, nine of these, beginning with Vermont in 1793, required only a majority to override the veto, while fourteen required

[19]Farrand, *Legislation of Congress for the Government of the Organized Territories of the United States*, pp. 37, 41-42, 78-91.

two-thirds. But if we look more closely we shall find that only one state, Connecticut, out of the group of nine requiring only a majority for re-passage, permitted this to be done by a mere majority of those present.[20] On the other hand, six out of the group of fourteen requiring a two-thirds vote to override the veto permitted it to be done by two-thirds of those present.[21] In all of those states it is conceivable that in a number of instances bills were passed over the veto by a vote of less than half of the total membership of both houses.

During the seventy-five year period, then, almost up to the Civil War, the Massachusetts and New York[22] precedents can not be said to have had undisputed supremacy. But after the Civil War the story is quite a different one. Only two states introducing the veto power since then have permitted it to be overruled by a bare majority vote. They were Tennessee, 1870, and West Virginia, 1872.

The general growth of the confidence in the executive is perhaps nowhere more closely demonstrated than in the growth of the veto power. Since 1778 only three states have ever reduced the vote required to override a veto. Kentucky in 1799 reduced the vote required from two-thirds to a majority of the total membership. New York, in 1821, in changing from the council of revision plan to the executive veto, provided that the governor's disapproval might be overruled by two-thirds of the members present. And, Ohio in 1912 reduced it from two-thirds to three-fifths of each house. In Nebraska there has been an apparent reduction. The constitution of 1875 reduced the majority required from two-thirds of those present to three-fifths of the total membership. It is doubtful if that would prove a reduction of the majority necessary under the former constitution in very many cases.

Since 1855, the end of the seventy-five year period, the growth of the veto power has been remarkable. Five of the six remaining original states adopted it. All the new states admitted since then have adopted it. And all, with the exception of

[20]The other eight states in this group were Vermont, Indiana, Illinois, Alabama, Missouri, Florida, Arkansas, and New Jersey.

[21]The states requiring a two-thirds vote of those present were New York, Michigan, Wisconsin, Texas, Iowa, and California. Those requiring two-thirds of the total membership were Massachusetts, Pennsylvania, New Hampshire, Kentucky, Georgia, Mississippi, Maine, and Louisiana.

[22]New York changed to two-thirds of those present in the constitution of 1821.

Tennessee and West Virginia already mentioned, have required something more than a majority to override the governor's disapproval.

Not only have the newer states adopted a stronger form of the veto power. A number of the older states have joined the procession and strengthened the veto provisions of their constitutions by revision or amendment. Virginia in 1902 strengthened the veto power by adding a provision that the two-thirds majority of those present should not be less than a majority of the total membership. Florida in 1868 and Vermont in 1913 raised it from a majority of the total membership to two-thirds of those present. Illinois in 1870 and Missouri in 1875 raised it from a majority of the total membership to two-thirds of the total membership. Michigan in 1860 and California in 1879 raised the majority required from two-thirds of those present to two-thirds of the total membership. In New York the majority required to override a veto has been altered twice. The constitution of 1777 required a two-thirds vote. It required two-thirds of the total membership in the house in which the bill had originated and two-thirds of those present in the other house. In 1821 this was lowered to two-thirds of those present in both houses. Finally, in 1874 it was raised to two-thirds of the total membership.

To summarize the situation as it is found today we may divide the states into three groups: Those requiring a majority, those requiring a three-fifths vote, and those requiring a two-thirds vote to override the veto. Each of these general groups may be subdivided into two sub-groups, those basing their majority on the members present and those basing it on the total membership. In the first group, consisting of eight states, one state permits a veto to be overruled by a majority of those present.[23] Seven require a majority of the total membership.[24] In the second group, consisting of five states, one permits three-fifths of those present to override the veto.[25] The other four require three-fifths of the total membership.[26] The third group is by far the largest. It includes thirty-five states. Twelve of these permit

[23]Connecticut.

[24]Alabama, Arkansas, Indiana, Kentucky, New Jersey, Tennessee, West Virginia.

[25]Rhode Island.

[26]Delaware, Maryland, Nebraska, Ohio.

two-thirds of the members present to overrule the veto.[27] Twenty- two require two-thirds of the total membership.[28]

The Time allowed the Governor for the Consideration of Bills.—The time allowed the governor for the consideration of bills may be considered from two points of view, the time allowed during the session of the legislature and the time allowed after it has adjourned. In regard to the time allowed the governor for a consideration of bills during the session of the legislature, a definite line of development appears. There seems to be a tendency to consider five days satisfactory. Only eight states have altered the time set in the first veto provisions. Four have lengthened the time granted the governor: Arkansas and Nebraska have raised it from three to five days, and Alabama and Texas from five to six and ten days, respectively. Four states have lowered the time given—Indiana from five to three days,[29] and Louisiana, Michigan, and Mississippi from ten to five days, respectively. The situation as it exists today may be summarized as follows: In eleven states the governor is given three days; in twenty-two, five days; in three, six days; and in eleven, ten days.[30]

However, when we consider the fact that the great bulk of bills are passed during the last few days of the legislative session, the question of how long the governor has for the consideration of bills during the session sinks into unimportance. Another question arises as to the governor's power of approval or disapproval after adjournment. Two precedents were set by New

[27]Florida, Idaho, Iowa, Montana, New Mexico, Oregon, South Dakota, Texas, Vermont, Virginia, Washington, Wisconsin.

[28]Arizona, California, Colorado, Georgia, Illinois, Kansas, Louisiana, Maine, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nevada, New Hampshire, New York, North Dakota, Oklahoma, Pennsylvania, South Carolina, Utah, Wyoming.

[29]Indiana is the only state that has lowered an existing constitutional provision to less than five days.

[30]The states providing three days are: Connecticut, Indiana, Iowa, Kansas, Minnesota, New Mexico, North Dakota, South Carolina, South Dakota, Wisconsin, and Wyoming. The states providing five days are: Arizona, Arkansas, Florida, Georgia, Idaho, Louisiana, Maine, Massachusetts, Michigan, Mississippi, Montana, Nebraska, Nevada, New Hampshire, New Jersey, Oklahoma, Oregon, Tennessee, Vermont, Virginia, Washington, and West Virginia. The states providing six days are: Alabama, Maryland and Rhode Island. The states providing ten days are: California, Colorado, Delaware, Illinois, Kentucky, Missouri, New York, Ohio, Pennsylvania, Texas, and Utah.

York and Massachusetts, respectively. The New York constitution of 1777 provided that during the session of the legislature the council of revision should have ten days exclusive of Sundays for the consideration of bills with the provision that if by adjournment the legislature should prevent the return of bills at the expiration of the ten day limit, return should be made on the first day of the following session. This would seem to indicate that the council would have ten days for the consideration of bills regardless of whether or not the legislature was in session. Six other states adopted similar provisions, Pennsylvania and Kentucky in 1790 and 1792 respectively; Indiana, Illinois, and Maine in 1816, 1818, and 1819 respectively. The last to adopt it was South Carolina in her reconstruction constitution of 1868. But only the two last of the seven states retain it. The other five have made other provisions, granting a definite length of time for the consideration of bills after the adjournment of the legislature, New York in 1821, Illinois in 1848, Indiana in 1851, Pennsylvania in 1873, and Kentucky in 1890.

The Massachusetts constitution of 1780 provided that the governor should have five days for the consideration of bills, and if return was not made within five days the bill should become a law without the consent of the governor. It made no provision for the contingency of adjournment before the expiration of the five day period. Consequently bills could not be vetoed after the adjournment of the General Court. To remedy this defect an amendment was adopted in 1820 providing that bills objected to should not become effective when their return within the five day period had been prevented by the adjournment of the General Court. The defect pointed out in the Massachusetts provision was remedied in the national Constitution. It provides that "If any Bill shall not be returned by the President within ten Days (Sundays excepted) after it shall have been presented to him, the Same shall be a Law, in like Manner as if he had signed it, unless the Congress by their Adjournment prevent its Return, in which Case it shall not be a Law." Though twenty-two states adopted this provision only four have done so since the Civil War. They were Nebraska and Maryland in 1866 and 1867 respectively, and Virginia and Tennessee in 1870.

The provision of the national Constitution, which at the end of the session enables the executive to prevent bills from becoming law simply by inaction—the so-called "pocket veto," has lost favor. As stated above, only four states adopted it

after the Civil War. Michigan had set a fourth precedent in 1850 by dropping the national provision and giving the governor five days after the close of the session for the consideration of bills. This plan found immediate favor. From that time onward, most of the new and many of the older states adopted similar provisions.

On the basis of these considerations we may divide constitutional provisions as they exist today into two general classes. In the first class are those carrying no definite provisions as to the time granted the executive for the consideration of bills after the adjournment of the legislature. In the second class are those in which the time is specified. The first class is composed of two sub-classes, those providing no definite time for consideration after adjournment, but providing that vetoes must be returned to the legislature at the beginning of the following session. There are now only two states in this sub-class, namely, Maine and South Carolina, and it is believed that the governor has the same time to consider bills that he would have had, had the legislature remained in session. The second group of provisions in this first class are those similar to that of the national Constitution, granting no definite time after the adjournment for the consideration of bills but not requiring vetoes made after adjournment to be returned to the next session. This group now includes only eleven states.[31] It is constantly being encroached upon, and no new additions have been made since 1870, when Tennessee adopted this provision. It has been contended that since these provisions do not specifically authorize the governor to sign bills after the adjournment of the legislature he has no power to do so. The better opinion seems to be, however, that the governor has as much time as, and should take no more time than, he would have had if the legislature had remained in session. [32]

[31]The states in this group are: Connecticut, Georgia, Kansas, Louisiana, Maryland, Massachusetts, New Hampshire, New Jersey, Tennessee, Vermont, and Wisconsin.

[32]J. D. Barnett, *American Law Review,* XLI, pp. 230-236. The practice of the President of the United States has been to sign all bills before the adjournment of Congress. It has been deviated from only in one instance, 1863. A case involving the constitutionality of this act came up in 1894. The court held that the President could approve bills after the adjournment of Congress but within the time prescribed by the Constitution (29 Ct. Cl. 253). The Constitution of Mississippi specifically provides that the governor can not sign bills when the legislature is not in

The second general class includes those provisions in which a definite time is granted the governor for the consideration of bills after the adjournment of the legislature. It is a large and growing class including thirty-three states. The time granted varies from three to thirty days. One state, Minnesota, grants three days. Five grant five days.[33] One, New Mexico, grants six days. Thirteen grant ten days.[34] Four grant fifteen days.[35] Two grant twenty days.[36] And seven grant thirty days.[37] Reference to the table at the end of this chapter will show that twenty-four states grant longer time for the consideration of bills after adjournment than during the session. It remains to add that while one would naturally expect that bills would become law unless vetoed within the specified time after adjournment, that is not nearly always the case. The constitutional provisions of twenty-three states are so worded or have been construed to mean that a failure to approve a bill, the return of which is prevented by the adjournment of the legislature, shall prevent it from becoming law.[38]

The Power to Veto Items in Appropriation Bills.—A third step was necessary, however, to make the governor's veto power complete. Under the old plan bills must be vetoed as a whole. Now, it is true that most constitutions provide that each bill shall include only one subject and that that shall be clearly stated in the title. But general appropriation bills must necessarily contain a number of items. Members of the legislature,

session. In states where there is no constitutional prohibition the courts with few exceptions hold that approval or disapproval can be made after adjournment.

[34]Alabama, Arizona, Florida, Idaho, Illinois, Kentucky, Nevada, Ohio, Rhode Island, South Dakota, Utah, Virginia, and Washington. In Nevada the legislature may at its following session repass bills vetoed after adjournment.

[35]Indiana, Michigan, Nebraska, Oregon, and West Virginia. In Oregon the legislature at its following session may repass a bill rejected after adjournment.

[36]Montana, North Dakota, Oklahoma, and Wyoming.

[37]Arkansas and Texas.

[38]California, Colorado, Delaware, Iowa, Missouri, New York, and Pennsylvania.

[39]Newman, J. H., *Digest of Constitutions,* p. 103. The twenty-three states are: California, Connecticut, Delaware, Florida, Georgia, Iowa, Kansas, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Montana, New Hampshire, New Jersey, New Mexico, New York, Oklahoma, Tennessee, Vermont, Virginia, and Wisconsin.

therefore, soon found here a chance to evade the veto power. Against the system of log-rolling and the attachment of riders many of the governors found themselves helpless. Few had the courage to reject important appropriation bills and thereby endanger a large part of the state administration.

To remedy this defect the power to veto separate items in appropriation bills has been resorted to. Three states have even gone so far as to authorize the governor to veto distinct and separate items of any bill. At present the governors of Washington and South Carolina possess this latter power. The former state adopted it in 1889 and the latter in 1895. The constitution of Ohio, by an amendment of 1903, carried a similar provision. But this power was confined to appropriation bills by the revision of 1912.

The power of the governor to veto items in appropriation bills finds its first acceptance in the Constitution of the Confederate States. The provisional constitution of February 8, 1861, provided that "The president may veto any appropriation or appropriations in the same bill." This same provision in slightly altered form was adopted in the permanent constitution of March 11 of the same year.[39] Georgia and Texas in 1865 and 1866 respectively, included this power in their proposed constitutions under the presidential plan of reconstruction. These same two states again included it in their constitutions of 1868, adopted under the congressional plan of reconstruction.

Since the Civil War every new state admitted to the Union, and many of the older states—making a total of thirty-six have granted their governors this power.[40] It may be added that Alabama in 1901 and Virginia in 1902 authorized their governors to return bills with suggested amendments. In each case the bill must again be returned to the governor for approval or disapproval regardless of the action of the legislature on the suggested amendment.

[39]Jefferson Davis, *The Rise and Fall of the Confederate Government*, I, pp. 641, 654.

[40]The thirty-six states are: Alabama, Arizona, Arkansas, California, Colorado, Delaware, Florida, Georgia, Idaho, Illinois, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Jersey, New Mexico, New York, North Dakota, Ohio, Oklahoma, Oregon (1916), Pennsylvania, South Carolina, South Dakota, Texas, Utah, Virginia, Washington, West Virginia, Wyoming.

Summary.—If one were to pick out the model states with reference to the strength of the veto provisions in their constitutions, the list would be headed by California, Colorado, Missouri, New York, and Pennsylvania. In each of these five states a two-thirds vote of the total membership of each house is required to pass a bill over the veto. The governor is given ten days for the consideration of bills during the session of the legislature and thirty days after its adjournment. In all cases he has the power to veto items in appropriation bills. In Pennsylvania he may even reduce items.[41]

Two other states almost come into this group, Delaware and Texas. The former just misses it by requiring a three-fifths vote of the total membership of each house to override the veto instead of a two-thirds vote as in the other five cases. Texas stands slightly lower in the list, requiring only two-thirds of those present to override the veto. Instead of thirty days as in all the six cases above she grants only twenty days for the consideration of bills after the adjournment of the legislature.

Disregarding the great bulk of the states combining strong and weak features of the veto power in varying degrees, and disregarding North Carolina which has no veto power at all, we find at the other end of the list four states combining weak features of the veto power. Lowest on the list stands Connecticut which permits a majority of those present to override the veto, gives the governor only three days to consider bills, makes no specific grant of time after the adjournment of the legislature, and does not permit him to veto items in appropriation bills. Just above Connecticut in the order named stands Indiana and Tennessee. Both permit a majority of the total membership of each house to override the veto. During the session Indiana grants three and Tennessee five days for the consideration of bills. After adjournment Indiana grants five days while Tennessee makes no specific grant. Neither give the right to veto items in appropriation bills. Rhode Island all but comes into this class of extremely weak states. She permits three-fifths of those present in each house to override the veto. She does not permit the governor to veto items in appropriation bills. However, a distinct improvement is noted in regard to the time given for the consideration of bills. In Rhode Island the governor is allowed six days during the legislative session and ten days after adjournment.

[41] By judicial construction. See Com. v. Barnett, 199 Pa. 161 (1901).

THE AMERICAN THEORY OF THE VETO POWER

With the establishment of independence there occurred a shift in the theory of the veto power. Heretofore the king had been sovereign. Now sovereignty was transferred to the people. That the chief executives in our national and state governments still retain the veto power in modified form is variously explained. Alexander Hamilton held that it was necessary to enable the executive to protect himself against the encroachments of the legislative department. That was held to be the primary function of the veto power. But in addition, Hamilton saw in it a wholesome check upon hasty and unwise legislation—an evil which has assumed the first magnitude since the early days of the Republic.[42]

Early presidents and public men seem to have inclined to the view that the only object of the veto power was to protect the constitution. But by the time of the Civil War its importance as relating to legislation in general had become recognized.[43] Thus President Grant in vetoing the Currency Bill of April, 1874, "assigned as his reason that it was 'a departure from true principles of finance, national interest, national obligation to creditors, congressional promises, party pledges, and personal views and promises made by me in every annual message sent to Congress and in each inaugural address'."[44] By President Cleveland the opinion was definitely expressed that the veto power was given with the express purpose of enabling the executive to participate in legislation. It was given, he held, "for the purpose of invoking the exercise of executive judgment and inviting independent executive action."[45] Whether that was the intention or not, it is doubtless in accord with what we expect of a chief executive today, both in the nation and in the states. He more nearly represents all the people than any other officer in the government. He has come nearer than Hobbes' monarch to bear the composite personality of the people of his state. His relation to legislation is becoming as vital as that of the king who enacts laws in response to the petitions of his subjects. And thus we have the strange spectacle of the veto power, once a royal prerogative, having become an indispensable power in the hands of a democratic executive.

[42]Hamilton, *Federalist*, No. 73; Garner, *Introduction to Political Science*, p. 566.

[43]See Chapter II.

[44]Beard, *op. cit.*, p. 203.

[45]*Ibid.*

I. TABLE SHOWING THE PRESENT STATUS OF THE VETO POWER

State	Vote required to override veto		Number of days to consider bills		May veto items in appropriation bills
	present	total	during session	after session	
United States		2/3	10	*	no
Alabama		1/2	6	10	yes
Arizona		2/3	5	10	yes
Arkansas		1/2	5	20	yes
California		2/3	10	30	yes
Colorado		2/3	10	30	yes
Connecticut	1/2		3	*	no
Delaware		3/5	10	30	yes
Florida	2/3		5	10	yes
Georgia		2/3	5	*	yes
Idaho	2/3		5	10	yes
Illinois		2/3	10	10	yes
Indiana		1/2	3	5	no
Iowa	2/3		3	30	no
Kansas		2/3	3	*	yes
Kentucky		1/2	10	10	yes
Louisiana		2/3	5	*	yes
Maine		2/3	5	*	no
Maryland		3/5	6	*	yes
Massachusetts		2/3	5	*	no
Michigan		2/3	5	5	yes
Minnesota		2/3	3	3	yes
Mississippi		2/3	5	**	yes
Missouri		2/3	10	30	yes
Montana	2/3		5	15	yes
Nebraska		3/5	5	5	yes
Nevada		2/3	5	10	no
New Hampshire		2/3	5	*	no
New Jersey		1/2	5	*	yes
New Mexico	2/3		3	6	yes
New York		2/3	10	30	yes
North Carolina					
North Dakota		2/3	3	15	yes
Ohio		3/5	10	10	yes
Oklahoma		2/3	5	15	yes
Oregon	2/3		5	5	yes
Pennsylvania		2/3	10	30	yes
Rhode Island	3/5		6	10	no
South Carolina		2/3	3	*	yes
South Dakota	3/5		3	10	yes
Tennessee		1/2	5	*	no
Texas	2/3		10	20	yes
Utah		2/3	10	10	yes
Vermont	2/3		5	*	no
Virginia	2/3		5	10	yes
Washington	2/3		5	10	yes
West Virginia		1/2	5	5	yes
Wisconsin	2/3		3	*	no
Wyoming		2/3	3	15	yes

*The general opinion is that the governor has the same time regardless of adjournment.

**Mississippi specifically forbids the governor to sign bills when the legislature is not in session.

CHAPTER II

THE COUNCIL OF REVISION 1818-1848

SURVEY OF THE VETO POWER IN 1818

The situation in regard to the veto power at the time of the admission of Illinois may be briefly summarized as follows: New York alone had provided for a council of revision. Nine states, Massachusetts (1780), Georgia (1789), Pennsylvania (1790), New Hampshire (1792), Kentucky (1792), Vermont (1793), Louisiana (1812), Indiana (1816), and Mississippi (1817) had granted the veto power to the governor.

The time allowed for the consideration of bills varied from five to ten days. Five states, Massachusetts, Georgia, Vermont, New Hampshire, and Indiana, allowed five days. Mississippi allowed six days. And four states, New York, Pennsylvania, Kentucky, and Louisiana, allowed ten days.

The vote required to override the veto varied from a majority to two-thirds of each house of the legislature. In all cases the majorities required were based on the total membership of the houses respectively. Four states, New York, Vermont, Kentucky, and Indiana, permitted a majority in each house to override the veto. On the other hand, six states, Massachusetts, Georgia, Pennsylvania, New Hampshire, Mississippi, and Louisiana, required a two-thirds vote. Ten states, Connecticut, Delaware, Maryland, New Jersey, North Carolina, Ohio, Rhode Island, South Carolina, Tennessee, and Virginia, had no veto power. Connecticut, however, adopted it later in the same year.

THE VETO PROVISION IN THE CONSTITUTION OF 1818

The Illinois constitutional convention of 1818 thus had two general precedents either of which it might follow. Two different plans were formally advanced and considered by it. One, which was eventually adopted, was the New York council of revision plan. The other was a strong veto power lodged in the hands of the governor. It was similar to the provisions in force in Louisana and Pennsylvania. Both of these states required a two-thirds vote to override the governor's veto, both

gave him ten days for the consideration of bills, and both required that bills vetoed after the adjournment of the legislature should be returned within the first three days of the following session. The plan proposed in the Illinois convention differed only in that it required bills vetoed after adjournment to be returned on the first day of the following session of the general assembly.

It was noted above that not a single state had followed the New York plan of a council of revision—but that on the other hand since then nine states and the United States had vested the power of veto in their chief executives. That Illinois nevertheless adopted the New York plan must be ascribed mainly to the influence of Elias Kent Kane who was a member of the convention. Mr. Kane was born in New York, educated at Yale, and had studied law in New York. He had removed to Illinois in 1814. In the convention of 1818 he was a member of the committee of fifteen entrusted with the work of drafting the new constitution.[1] Mr. Kane took a prominent part in framing the constitution.[2] Indeed, he has been called the "principal member" of the convention.[3]

The committee of fifteen reported as section 15 of Article III, dealing with the executive department, almost word for word that section of the New York constitution of 1777 dealing with the council of revision.[4] A few days later, while the plan of the committee of fifteen was being considered, the alternative plan already referred to was offered. It gave the veto power to the governor. It allowed him ten days for the consideration of bills. It required a two-thirds vote of each house to override the veto. It provided that if the legislature by adjournment should prevent the return of bills within the ten days allowed, such bills were to be returned on the first day of the following session or become laws.[5] This plan is not heard of any more. Three days later, on August 17, Article III being considered section by section, the council of revision plan as originally pro-

[1]Carpenter, "The Illinois Constitutional Convention of 1818," *Journal of the Illinois State Historical Society*, VI, pp. 327 ff.

[2]Carpenter, *op. cit.*, pp. 349, 352.

[3]Ford, *History of Illinois*, p. 24; Reynolds, *My Own Times*, p. 211. Reynolds says of Mr. Kane that he "was an accomplished scholar, and was the leader in the convention."

[4]Carpenter, *op. cit.*, pp. 376-377.

[5]*Ibid.*, pp. 390-391.

posed by the committee of fifteen was adopted. The vote required to override the veto, however, was placed at a majority of each house and not at two-thirds as in New York.[6] This section, without any further changes was adopted on the final reading.[7]

The veto power in its final form was found in section 19 of Article III of the constitution. It provided:

"The governor for the time being, and the judges of the supreme court or a major part of them, together with the governor, shall be, and are hereby, constituted a council to revise all bills about to be passed into laws by the general assembly; and for that purpose shall assemble themselves from time to time when the general assembly shall be convened, for which nevertheless they shall not receive any salary or consideration under any pretense whatever; and all bills which have passed the senate and house of perperesntatives shall, before they become laws, be presented to the said council for their revisal and consideration; and if, upon such revisal and consideration, it shall appear improper to the said council or a majority of them, that the bill should become a law of this state, they shall return the same, together with their objections thereto in writing, to the senate or house of representatives (in whichsoever the same shall have originated,) who shall enter the objections set down by the council at large in their minutes, and proceed to reconsider the said bill. But if, after such reconsideration, the said senate or house of representatives shall, notwithstanding the said objections, agree to pass the same by a majority of the whole number of members elected, it shall, together with the said objections, be sent to the other branch of the general assembly, where it shall also be reconsidered, and if approved by a majority of all the members elected, it shall become a law. If any bill shall not be returned within 10 days after it shall have been presented, the same shall be a law, unless the general assembly shall by their adjournment, render a return of the said bill in 10 days impracticable; in which case the said bill shall be returned on the first day of the meeting of the general assembly, after the expiration of the said 10 days, or be a law."[8]

THE USE OF THE VETO POWER, 1818-1848

Extent of the Use of the Veto Power.—The Illinois council of revision was in existence thirty years, 1818-1848. During that period 3158 laws were enacted by the general assembly. The number of bills disapproved by the council was small in comparison. It amounted to only 104. No session passed with-

[6] *Ibid.*, p. 398.

[7] *Ibid.*, p. 409.

[8] Thorpe, II, pp. 978 ff.; Hurd, *Revised Statutes of the State of Illinois*, (1913) p. xxxii.

out a veto. In each of two sessions, the sessions of 1831 and 1833 respectively, only two bills were disapproved. The session of 1827 produced the largest crop of vetoes during the council of revision period. Sixteen bills were returned, ten to the house and six to the senate. At the session of 1819 and again in 1839 twelve bills were disapproved. Taking the whole period, the number of bills vetoed average about seven for each general assembly.

Relative to the number of bills passed, the number disapproved was small. Taking the whole period it was something like three and one-third per cent. During the session of 1833, when 228 laws were enacted, only two bills were vetoed. In 1837 335 laws were enacted and only three bills were vetoed. In both of these sessions the bills vetoed were less than one per cent of those enacted into law. The greatest percentage was reached in 1827 when 16 bills were disapproved as compared with 89 laws enacted, or eighteen per cent.

It may be of interest to point out also that the disapproval almost regularly was applied more frequently to house measures than to senate measures. Out of the 104 vetoed bills 66 originated in the house of representatives while only 38 originated in the senate. In only four out of the fifteen regular sessions—1831, 1835, 1841, and 1845—did the senate bills vetoed exceed the house bills vetoed, and then only by very small figures. But while the house bills disapproved outnumbered the senate bills by nearly two to one, the bills passed over the disapproval of the council were very largely house measures. Out of the eleven bills passed over the veto eight had originated in the house of representatives.

Effectiveness of the Veto Power.—During the existence of the council of revision only eleven bills were passed over the veto. Compared with the number of vetoes that is something over one in ten. They were scattered through the period at irregular intervals. During the legislative session of 1819 one bill was passed over the veto. During the following session (1821) four were so passed. From then onward bills were very rarely passed over the disapproval of the council. In 1827 three were passed, and in 1835 and 1841 two and one respectively.

The character of the bills passed over the veto can not be said to reflect credit upon the general assembly. The first act to be passed over was an act of 1819 making an appropriation for the payment of census takers. A certain census taker, who had

a valid claim, was left out. The legislature perhaps had a grudge against this person. At any rate, the objections of the council were overruled.[9]

During the following session the council objected to a bill providing for the safe keeping of prisoners held in state jails under the authority of the United States. The bill virtually ordered the United States to pay for the keeping of prisoners. The council believed that the order should be directed against the officers who had charge of the prisoners. The legislature refused to amend the bill, and it was passed over the veto.[10] During that same session the act establishing the State Bank of Illinois was disapproved. It was considered a violation of Article I, section 10 of the Constitution of the United States which forbids states to "emit bills of credit." The council had submitted a long and able argument showing that the notes proposed to be issued by the bank upon the faith and credit of the state were in fact "bills of credit" in the sense of the national constitution. The veto was referred to a select committee which made a lengthy report absolutely denying that the notes in question were "bills of credit." Referring to the *Federalist,* upon which the council had drawn freely for support of its argument, the committee found that:

"They (the writers in the Federalist) never supposed that the states were prohibited from issuing bank notes; but that the prohibition only extended to paper money. For it must always be recollected that bank notes are never considered money, nor is any thing so considered but such medium as is made a legal tender in the payment of debts."

The bill was passed over the veto in both houses.[11] Twelve years later a case involving this law came up before the supreme court and the act was held unconstitutional insofar as it had related to the emission of bills of credit.[12]

A third bill passed over the veto during that session was a bill providing for the election of a sheriff and coroner for Jefferson county. The council objected to the bill because it

[9]*Senate Journal,* 1819, p. 198; *House Journal,* 1819, pp. 175-176, 177. Hereafter *Senate Journal* and *House Journal* will be designated *S. J.* and *H. J.* respectively.

[10]*H. J.* 1821, 107; *S. J.* 61, 84, 109, 112.

[11]*S. J.* 1821, pp. 135, 139, 166; *H. J.* pp. 261-271.

[12]Linn v. President and Directors of the State Bank of Illinois, 2 *Ill.* 87. This appears to be a narrower interpretation of the prohibition than that adopted by the United States Supreme Court. Briscoe v. Bank of Kentucky, 11 *Pet.* 257; Darrington v. Bank of Alabama, 13 *How.* 12.

removed the existing officer. It was held to be a bad precedent. The council suggested that there ought to be a general law providing a method of removal.[13]

Six years later, during the session of 1827, a bill providing for the examination of the Bank of Edwardsville was passed over the veto. The council had objected because the bank was a private institution. Investigation into purely private and individual affairs were considered "unwarranted under the spirit and genius of our institutions."[14] It will be recalled that during the session of 1821 a bill creating the State Bank of Illinois had been passed over the veto. The notes of the bank soon began to depreciate. The members of the general assembly of 1827, therefore, proposed to recoup themselves by providing that in the payment of salaries of members of that body, the notes should be rated at seventy cents on the dollar. The council vainly objected that other state officials were obliged to take them at seventy-five cents.[15]

In the year 1835 a bill providing for the election of county recorders and surveyors was passed over the veto. The bill was very defective. It did not guard against the possibility of an *interregnum*. Under it it would have been possible to have two officers elected for the same place. And it provided no method for the settlement of contested elections. Only two days after the bill had been passed over the veto, however, the legislature passed another bill remedying every defect pointed out by the council.[16]

It is not the purpose of the writer to enumerate all the bills passed over the veto. Nor are these the worst examples. On the other hand, not one of the eleven bills under discussion seems to have had any merit in it.

Out of the remaining ninety-three vetoes, one was withdrawn by the council, thirty were dropped from further consideration by the general assembly, and sixty-two, or exactly two-thirds, were amended to meet the objections of the council. The only veto withdrawn by the council was in 1845. A bill to amend the usury law of the state had been disapproved because it was held to be too harsh on an innocent purchaser or holder

[13]*H. J.* 1821, p. 195; *S. J.* pp. 104-106.

[14]*H. J.* 1827, pp. 431, 433, 436.

[15]*H. J.* 1827, pp. 490-491, 493, 495, 497, 502.

[16]*H. J.*, 1835, pp. 408-410, 449; *S. J.*, pp. 385, 458; *Laws*, pp. 61, 62, 165-167.

of an instrument carrying a usurious rate of interest. The council later withdrew its objections, owing to the fact that it was so late in the session that the defect could not be remedied, but it expressed the hope that the defect might be remedied at the following session.[17]

Sixty-two bills were amended to obviate the objections of the council. It is of interest here to note that the council very often suggested that bills be amended to meet the objections raised. Indeed, in many cases the council itself suggested specific amendments. In 1827 an act was passed for the "limitation of actions and for avoiding vexatious law suits." It repealed the existing statute of limitations thus defeating its own purpose in a great number of cases where the existing statute had already run for a considerable time. The council therefore suggested that the existing statute be continued in force alongside the new one in such cases where it had already begun to run. But since they had returned the bill for the reasons stated they "availed themselves of the opportunity to suggest to the legislature, some additions and amendments to the bill, which they believe will tend to make it more perfect."[18]

During the same session a bill was passed "concerning landlords and tenants." The bill made under-tenants and assignees of lessees responsible for the breaches of contract in regard to the leased property. The council pointed out the distinction between an under-tenant and an assignee of a lessee. They suggested that the term assignee be substituted for under-tenant in all cases where it appeared, and that the liability of the assignee be limited to such breaches of contract as had been committed after the assignment of the lease. They suggested other details of minor importance.[19]

In 1841 an act making school commissioners elective was disapproved. The council suggested that it was in conflict with other acts passed. They suggested a substitute for the section to which they had objected. The bill itself was not amended, but the suggestions of the council were incorporated as section 12 of a general act concerning the common schools.[20] A number of other cases might be cited. But it is believed that these examples are fairly representative. It remains to add that

[17] *S. J.*, 1845, pp. 423-425, 428-429, 439-440, 443.
[18] *H. J.*, 1872, pp. 351-352, 354, 360, 366.
[19] *H. J.*, 1827, pp. 388-389, 395, 440.
[20] *S. J.*, 1841, p. 149; *Laws*, 1841.

amendments suggested by the council were very generally accepted by the general assembly.

The constitution required that if the council should object to a bill they were to return it to the house in which it had originated together with their objections in writing. The objections were required to be entered at large in the journal and considered in connection with the question of repassage. This provision was complied with in all cases but two. During the legislative session of 1819 a house bill for the relief of debtors was vetoed. This was in fact the first veto made by the council of revision. The reasons for the veto were not given. The entry in the journal simply states that "the council have had under consideration 'an act for the relief of debtors' and have disapproved the same."[21] It is not clear whether the council failed to give any reasons or whether the clerk of the house failed to enter the message on the record.

The second case occurred during the second session of the fourth general assembly. A bill for "an act relating to the revenue of Calhoun, Pike, Adams, Schuyler, Fulton and Peoria counties" was disapproved. The reasons for the veto were given, but not entered in the journal.[22]

Bills becoming Law without Approval.—It will be recalled that the constitution provided that if the council of revision should fail to act on a bill within ten days or the general assembly by adjournment should prevent the return of any bill within ten days after its presentation to the council (in which latter case return was to be made on the first day of the following session) all such bills were to become laws. This provision made it possible for a bill to become a law without approval.

The number of bills thus becoming law has been negligible, except during the three sessions 1835, 1837, and 1839. During these sessions fourteen, twenty-one, and twenty-three bills respectively became laws in this manner. This may be partially explained by the fact that during those sessions an unusually large number of laws were enacted. In 1835 there were 319, almost a hundred more than during the preceding general assembly. In 1839-40 there were 403 laws enacted, the greatest number enacted by any general assembly during the whole period from 1818 to 1848.

[21] *H. J.*, 1819, p. 43.
[22] *S. J.*, 1826, pp. 116, 117, 122, 127.

There are, however, two other facts about the bills of these sessions becoming laws without approval, either of which or both together may furnish a satisfactory explanation. In the first place, thirty-six of them were in the hands of the council after the adjournment of the general assembly. In the second place, forty-seven were local or private bills—especially for the relief of widows and minors.[23] It seems likely, therefore, that the council, having a large number of bills on their hands at the end of the legislative session, first considered general and less objectionable measures and left the others to become effective automatically, either because they were pressed for time or because they were not objectionable enough to be formally disapproved.

The provision that bills vetoed after the adjournment of the general assembly should be returned on the first day of the following session proved unimportant. Only three vetoes were thus made—one in 1825, one in 1835, and one in 1845. The first was amended to meet the objections of the council. The other two were dropped from further consideration.[24]

ANALYSIS OF THE VETO MESSAGES

An examination of the reasons presented in the messages of disapproval discloses three general classes of vetoes: First, vetoes on constitutional grounds; second, vetoes on grounds of policy or expediency; and third, vetoes of defective bills. These classes are not exclusive, however. Often bills were objected to on more than one of these grounds. But it is thought best to group them in these general classes on the basis of the most important considerations which led to their disapproval.

The term unconstitutional will be considered broadly so as to include not only bills violating the terms of the constitutions of Illinois and the United States directly but also those conflicting with the laws of Congress. The second class will include vetoes where the council took part in the policy determining power of the government. It is true that this was done negatively through blocking certain measures. But often the messages of disapproval were accompanied by suggestions that have lead to the adoption of positive policies. Under the term defective will be included bills disapproved as being superfluous, carrying conflicting provisions, or containing ambiguous terms.

Vetoes on Constitutional Grounds.—During the period 1818-

[23] See *Laws*, 1835, 1837, 1839.

[24] *S. J.*, 1825, pp. 5, 25; *H. J.*, 1835, p. 6; *S. J.*, 1845, pp. 6, 25, 26, 59.

1848 twenty-eight bills were vetoed on constitutional grounds. They were scattered rather evenly throughout the whole period. During the sessions of 1828, 1831, and 1833 there were no vetoes on constitutional grounds. Otherwise they are well distributed,—running as high as four in number only during the sessions of 1839, 1841, and 1847. Only two out of the twenty-nine were passed over the veto. In 1821 the bill creating the State Bank of Illinois was passed over the disapproval of the council. So was also in 1835 an act providing for the election of district attorneys for each of the judicial circuits by joint vote of the general assembly. It had been vetoed as conflicting with the governor's appointing power under Article III section 22 of the constitution.[25]

As has already been suggested, vetoes on constitutional grounds may be divided into three classes: (1) bills conflicting with the Constitution of the United States, (2) bills conflicting with the laws of the United States, and (3) bills conflicting with the constitution of Illinois.

Four bills were disapproved because they conflicted with the Constitution of the United States. All were regarded by the council as violations of Article II, section 10, paragraph 1. The act of 1821 establishing the State Bank of Illinois has already been referred to. It conflicted with the provision that no state shall emit bills of credit.[26] Two bills, passed in 1839 and 1840 respectively, conflicted with the prohibition against a violation of the obligation of contract. The first was an act to authorize the governor to appoint bank directors. But it involved some banks established under a law carrying no such provision. The council objected that the general assembly could not authorize the governor to appoint directors for the banks without their consent.[27] The same provision was violated the following year. A bill authorizing a certain Allan P. Hubbard to build a mill dam across Fox river repealed all acts previously passed authorizing the construction of dams across that river unless the proprietors of such dams should comply with certain requirements of this act.[28] The fourth bill was in violation of a contract between the

[25] *H. J.*, 1835, pp. 444, 448; *S. J.*, pp. 385, 457. It must be borne in mind, however, that in all these cases, it was merely the opinion of the council that the bills in question were unconstitutional. The final settlement of that question could, of course, not be made by the council as such.

[26] *S. J.*, 1821, pp. 135-139, 166; *H. J.*, 261-271.

[27] *H. J.*, 1839, pp. 546, 547-548; *S. J.*, p. 454.

[28] *S. J.*, 1840, pp. 162, 168, 204.

state of Illinois and the United States. It was passed in 1826 and grew out of the bank act of 1821 and the depreciated currency resulting therefrom. The bill proposed to authorize residents of Illinois to pay their taxes in specie at a reduced rate, while it still held non-residents liable for the whole amount. The council held that this was a violation of section six of the enabling act, accepted by the convention of 1818, providing that "all the lands belonging to the citizens of the United States, residing without the said state (Illinois), shall never be taxed higher than lands belonging to persons residing therein."[29]

Three bills presented to the council were in violation of acts of Congress. They were all of minor importance. In 1827 a bill was passed establishing certain state roads. One of these roads, to run from Peoria and Rushville to the mines on Fox River, would have gone through Indian territory for a considerable distance. This was a clear violation of an act of Congress making it a criminal offense to trespass or survey on Indian land.[30] The second bill of this class was an "act to regulate weights and measures," passed in 1843. But this being one of the powers delegated to Congress by the national Constitution and Congress having acted in 1836, this power could not longer be exercised by the states.[31]

Twenty bills were disapproved as conflicting with the constitution of Illinois. One conflicted with Article II, dealing with the legislative department; four with Article III, the executive department; two with Article IV, the judicial department; thirteen with Article VIII, the bill of rights; and one with section 3 of the Schedule.

The bill violating the article of the constitution dealing with the legislative department was passed by the session of 1821. It provided that in case of vacancies occurring in the general assembly the clerk of the county commissioners' court was to order a new election to fill the vacancy. The council pointed out the fact that Article II section 11 of the constitution required the governor to issue writs of election in case of vacancies in the general assembly.[32]

Four bills conflicted with Article III, dealing with the ex-

[29] *H. J.*, 1826, p. 144; *S. J.*, pp. 129-133, 148; Thorpe, *op. cit.*, Vol. II, pp. 970-971.

[30] *S. J.*, 1827, pp. 240, 245.

[31] *H. J.*, 1843, pp. 482, 483, 511; *S. J.*, 511.

[32] *S. J.*, 1821, pp. 126-127, 129; *H. J.*, 132.

ecutive department. The first of these was a violation of section 11 of that article requiring sheriffs to be elected by popular vote under such regulations as the general assembly might prescribe. The assembly in 1827 attempted to fill a vacancy in Bond county by legislative act.[33] Two bills were in conflict with section 22, which provided that the governor should nominate and appoint by and with the advice and consent of the senate all officers established by the constitution or by law, except such as had been otherwise provided for by the constitution, or minor officers whose duties were confined to a county. The latter might be appointed as the general assembly should provide by law. The first bill to conflict with this provision was passed in 1827. It proposed to vest the appointment of state's attorneys in the hands of the two houses of the general assembly. State's attorneys, it was pointed out, were not officers whose jurisdiction covered only one county. They could therefore be appointed only in the way prescribed by the constitution.[34] The second bill conflicting with section 22 was passed in 1835. Curiously enough, it dealt with precisely the same subject, "the election of a state's attorney for each judicial circuit now or hereafter to be created by the joint vote of the general assembly." The council called attention to the veto message of 1827. They restated the former argument and added that they now objected to the appointment of local officers by men not directly responsible to the people affected. The bill, they said, "violates a salutary principle of free government by vesting in the same hands the power to create and to fill the same office." Nevertheless, the bill was passed over the veto by good majorities in both houses.[35]

The fourth bill of this class was the famous internal improvements act of 1837. The majority of the members of the council objected to section four of the bill which provided that vacancies on the board of public works which should occur during the recess of the general assembly should be filled by the other members of the board. This was held to conflict with Article III section 8 of the constitution authorizing the governor to make recess appointments.[36] There were other objections which do not concern us here. It may, however, be said that contrary to a general impression the bill was not vetoed on grounds of policy.

[33] *H. J.*, 1827, pp. 377-378, 385, 389, 395.
[34] *H. J.*, 1827, pp. 484-487, 491, 497.
[35] *H. J.*, 1835, pp. 444, 448; *S. J.*, 385, 457.
[36] *H. J.*, 1837, pp. 720-722, 724, 730.

It seems convenient to discuss here the bill conflicting with section 3 of the Schedule referred to above. Section 3 provided that "no sheriff or collector of public moneys shall be eligible to any office in this state, until they have paid over, according to law, all moneys which they may have collected by virtue of their respective offices." The bill in question made it the duty of the governor to issue commissions to persons as sheriffs and coroners provided it appeared from the returns made to the secretary's office that such persons had received a majority vote. The council suggested the necessity of legislation to make section 3 effective.[37]

Two bills were passed conflicting with the article on the judiciary. In 1823 a bill was passed amending the act establishing courts of probate. The council objected to a section providing that probate judges were to be elected "at each and every session of the general assembly." They pointed out that under Article IV section 5 of the constitution judges of the inferior courts were to hold their offices during good behavior.[38] In 1837 a bill was passed organizing Henry county. One section of this act conflicted with two provisions of the constitution. It provided that the clerk of the county commissioners' court was to issue certificates of election to justices of the peace and constables when they had been elected. This was in conflict with Article IV section 8 of the constitution which provided that justices of the peace were to receive their commissions from the governor. It also conflicted with Article II section 26 which required all officers to take a prescribed oath of office before entering upon their duties.[39]

The Bill of Rights, Article VIII of the constitution of 1818, proved the undoing of about half the bills vetoed on constitutional grounds during the period of the council of revision. This is especially true of section 8 which alone accounted for eleven bills. All of these bills were attempts to dispose of property by legislative act. In seven cases it was attempted to dispose of property belonging to individuals, usually by empowering heirs or administrators to act.[40] In 1839 and 1840 acts were passed creating the towns of Savannah and Livingston respectively.

[37] *H. J.*, 1819, pp. 85, 92-93; *S. J.*, p. 112.

[38] *H. J.*, 1823, pp 241-243, 250, 259.

[39] *S. J.*, 1837, pp. 459, 463, 537.

[40] *H. J.*, 1826, p. 122; *S. J.*, p. 108; *H. J.*, 1843, pp. 482, 522, 540, 545; *H. J.*, 1843, pp. 532-533; *S. J.*, 1847, pp. 381, 384; *H. J.*, 1847, pp. 460-461, 473; *H. J.*, 1847, p. 462; *S. J.*, p. 329.

As first submitted to the council they proposed to vacate the town plats without the consent of the owners of the land.[41] In 1839 two acts were passed which, as first proposed, attempted to dispose of public property of two towns. The first was in relation to the streets and alleys of Bloomington. The second, in relation to the public square of Golconda. In both cases the council held that this public land had become vested in the owners of real property in the resepective towns.[42]

The violation of two other sections of the Bill of Rights was prevented by the council of revision. In 1821, in the act establishing courts of probate, imprisonment of debtors was virtually authorized. The council held this to be in violation of section 15 of the Bill of Rights which provided that "no person shall be imprisoned for debt unless upon refusal to deliver up his estate for the benefit of his creditors, in such manner as shall be prescribed by law," etc.[43] The second case was in 1840. It was a violation of section 11 of the Bill of Rights which provided that "no man's property shall be taken or applied to public use, without the consent of his representatives in the general assembly, nor without just compensation being made to him." The bill referred to authorized one Henry A. Cleveland to build a toll bridge across the Winnebago swamp. It granted him permission to use the soil, stone, and timber on the land in building the bridge. The council argued that if the land belonged to Mr. Cleveland it was absurd to think it necessary to grant him permission to use the material. If, on the other hand, the land belonged to a private individual or to the United States the general assembly was clearly exceeding its powers.[44]

Vetoes on Grounds of Policy.—The vetoes made on grounds of policy or expediency numbered forty-one. Twenty-nine of these, or nearly three-fourths, came before 1830. They ran as high as eight, nine, and five, in the first, fifth, and sixth general assemblies respectively. From 1830 onward they usually ran from one to two for each general assembly. During the whole period only two assemblies, the ninth and the fifteenth, escaped the veto power on grounds of policy.

The messages in this class have been grouped into sub-

[41] *H. J.*, 1839, pp. 361, 404, 412; *S. J.*, p. 354; *S. J.*, 1841, pp. 93, 102; *H. J.*, p. 149.

[42] *S. J.*, 1839, pp. 168, 179, 262; *H. J.*, 1839, pp. 551, 556, 562.

[43] *S. J.*, 1821, pp. 165, 167, 170.

[44] *S. J.*, 1840, pp. 134, 200.

classes according to the subjects with which the bills have dealt. No attempt will be made to discuss all of these vetoes; but the most important and the resulting policies will be noted.

Two vetoes will be discussed here as lying on the border line between constitutional objections and objections on the grounds of policy. They were disapproved because they were held to encroach upon or burden unnecessarily the judicial department. They have been classed under policy vetoes on account of the fact that while they may be regarded as unconstitutional in a broad sense they would doubtless, nevertheless, have been accepted by the American courts as within the legislative power.

The first of these was a bill of 1819 which proposed to regulate and define the duties of the justices of the supreme court. The bill assigned certain of the justices to hold circuit courts in circuits to which justices had been assigned who had practiced in those courts until the business in which these justices were concerned should have been disposed of. The council suggested that this would unnecessarily burden the justices so assigned and that the objection to having a judge sit in a case in which he had been interested as a practising attorney could be remedied by requiring the justices to change circuits until such business should be disposed of. In the second place the council called attention to the inexpediency of too many terms,—suggesting that two terms of circuit court would be sufficient.[45]

The second bill of this class was in 1841. The general assembly passed over the veto "an act to reorganize the judiciary" of the state. It provided for the repeal of the existing circuit courts. It divided the state into nine circuits. It assigned a justice of the supreme court to each of these,—the act increasing the number of supreme justices from four to nine. The council objected that the act would overburden the supreme court. Under the proposed act it would be required to perform the following functions: it would still be required to act as a council of revision; it would still perform its functions as a supreme court; and in addition the justices would be required to hold all the circuit courts of the state. All of this would be physically impossible. It was pointed out that the duties of the supreme court were sufficiently important to warrant granting it sufficient time to mature its opinions. As a council of revision it would be necessary for the members of the court to be at the capital when the legislature was in session. Suppose an extra session were to be

[45] *S. J.*, 1819, p. 202; *H. J.*, pp. 179, 191-192.

called while the judges were on the circuits They would be obliged to dismiss court to attend the legislative session.[46]

One of the first lines of public policy owing its inception to the council of revision was in regard to quasi-public franchises. During the very first session of the general assembly three bills were passed authorizing the construction of toll bridges in various parts of the state. The council objected that there was no time limit set for the duration of the franchises. They believed that the public interest required that a definite time limit should be fixed when the privileges granted should expire. The result was in each case a twenty year franchise.[47]

Five bills for the incorporation of towns and cities were disapproved on grounds of policy. The sessions of 1824-1825 passed an act to incorporate the town of Mount Carmel. It was objected to because there was no limitation to the taxing powers of the trustees.[48] Four years later "an act to incorporate the inhabitants of such towns as may wish to be incorporated" was vetoed. The bill was defective in several ways. The main objections were that it encouraged promiscuous incorporation of towns without regard for their needs, and that it did not even provide for ascertaining whether a majority of the people wanted to be incorporated.[49] The act of 1837 incorporating the city of Alton was disapproved because it gave the municipal court too wide jurisdiction.[50] In 1843 an act to incorporate the town of Winchester in Scott county was disapproved. In the first place it gave the trustees too large and indefinite powers. They were authorized "to do and perform all acts which may be done or performed by natural persons." In the second place it proposed to incorporate a good deal of territory that was simply farm land. It was pointed out that great injustice might be done the farmers if forced to live up to town or city regulations.[51] At the same session a bill for an act to incorporate the city of Metropolis in Johnson county was disapproved. The council pointed out that the general law of municipal incorporation of 1831 was sufficient for this purpose. If not sufficient, it could be amended. The desirability of uniformity in this respet was

[46] *S. J.*, 1841, pp. 257-272, 274; *H. J.*, pp. 358-366.

[47] *S. J.*, 1819, pp. 182, 195; *H. J.*, pp. 172-173, 182-183.

[48] *S. J.*, 1824-1825, pp. 159, 164, 165, 179, 196.

[49] *H. J.*, 1829, p. 295. The law of 1831 required a two-thirds vote. See *Laws*, pp. 82-87.

[50] *S. J.*, 1837, pp. 124-125, 128, 137.

[51] *S. J.*, 1843, pp. 456, 460, 468, 525; *H. J.*, p. 511.

pointed out. In addition they pointed out the fact that the bill gave the board of trustees exclusive power to tax real estate. This would exclude both the state and the county from taxing such property.[52]

An examination of these vetoes discloses the fact that the incorporation of municipalities was at that time in an experimental stage. The general assembly was uncertainly feeling its way. The council demonstrated its usefulness by calling attention to the need of definition and limitation of the powers of municipalities, the need of maintaining some control by the state, and the need of reasonable uniformity in incorporation.

Three bills dealing with internal improvements were disapproved by the council. Two were local and one general. The two local acts were passed in 1827 and 1839 respectively. The first was an act making appropriation for building certain bridges in the so-called "bounty lands." It was disapproved by the council because the financial condition of the state would not warrant the expenditure at that time.[53] The second was an act to authorize St. Clair county to establish a ferry across the Mississippi river. It was disapproved because the award of the jury in condemnation proceedings was required to be based on the value of the property taken and not on the ferry privilege. In the second place it failed to provide for an appeal from the award of the jury.[54]

The one general act was passed in 1819. It provided for "opening, improving, repairing and regulating highways," etc. The council returned it with the suggestion that it be amended so as to protect the public against persons who might attempt to prevent roads from being opened up by obstructions and litigation.[55]

Two vetoes dealt with the question of the disposal of school lands. In 1828 an act was passed providing for leasing the seminary lands. The council objected on three main grounds: (1) there was no adequate provision for the valuation of the lands; (2) the public was not protected against spoliation of the land; and (3) the bill provided that the lessee might at his option acquire full title to the land by payment of the capitalized rental value at six per cent. During the same session, however, an act was passed and approved providing for the sale of the seminary lands. It is to be regretted that the council did not attempt to

[52] *H. J.*, 1843, pp. 482, 523; *Ill. Reports*, 1842, II, p. 425. The series here referred to is composed of reports of the executive department and other officials, made to the General Assembly.

[53] *S. J.*, 1827, pp. 125 ff., 128, 167; *Laws*, p. 64.

[54] *H. J.*, 1838-39, pp. 564, 565; *S. J.*, p. 469.

[55] *H. J.*, 1819, pp. 174-175; *S. J.*, p. 182.

prevent that also.[56] The second case occurred in 1841. An act was passed authorizing the sale of a certain school section. The general law on the subject required that a petition to sell school lands should be signed by three-fourths of the qualified voters of the school township and that the population of the township should be at least fifty. The bill as proposed abolished the requirements as to the number of population. The council objected on the ground that there were far less than fifty people in the township in question. They doubted that an impartial board of valuation could be found. To meet the objections of the council the bill was amended so as to secure a board of valuation from outside the township.[57]

Four bills dealing with courts, their jurisdiction and procedure, were disapproved. The first was in 1823, "an act extending the right of peremptory challenge of jurors." The council held that the right of peremptory challenge of twenty jurors in addition to the unlimited right of challenge for cause under the existing law was sufficient. This was especially true in view of the fact that challenge for cause had been liberally construed by the courts. The bill also made it too easy to gain a change of venue by a person accused of a capital crime. Under the existing law there was provision for a change of venue should the judge be interested in the case. It also authorized the supreme court to appoint some proper person to summon the jury, should the sheriff or coroner be interested in the case. Considering all these facts the council felt that sufficient guarantees of a fair trial existed. They also urged that the evils arising out of a right to a change of venue would be great. In all cases the delays and difficulties would work greatly in favor of a guilty person, while innocent persons would be interested in a speedy trial without a change of venue.[58]

An act of 1829 was vetoed because it extended the jurisdiction of justices of the peace without at the same time increasing their power to award damages.[59] In 1833 a bill "concerning practice in courts of law" was disapproved because it would lead to "serious evils in the administration of justice." Among other things, this bill deprived a member of the supreme court

[56]*H. J.*, 1829, p. 39; *Laws*, pp. 158-162.

[57]*H. J.*, 1841, pp. 454, 455, 563.

[58]*S. J.*, 1823, pp. 230-232, 241, 285, 300, 311. For the present day practice see Hurd, *op. cit.*, (1913), pp. 2479 ff.; People v. Pfanschmidt, *262 Ill.* 411.

[59]*H. J.*, 1829, p. 337; *S. J.*, pp. 285, 287.

of a voice in the decisions in cases over which he had sat in the circuit court. While section 1 of the bill granted a right of appeal in all cases regardless of the amount involved, section 10 abrogated the right of appeal in divorce cases, which before had existed as a matter of right.[60] The last bill of this group to be objected to by the council was a bill "to amend the several laws in relation to practice in courts of law and chancery." One of the sections objected to repealed the provision of an earlier act providing for a method of authenticating evidence taken outside the state, without providing for a substitute. There were other objections. But the most interesting fact of this message is the fact that it winds up with an exhortation. The practice of innovation in procedure, the assembly was told, is objectionable unless indisputably necessary. As no such reasons were perceived in this case the council disapproved the bill.[61]

The veto power was invoked five times in behalf of an acceptable policy in the matter of settlement of estates, especially with reference to the protection of the interests of dependents. In a veto message of 1819 disapproving an act to authorize the executors of a certain Tuissant Dubois, deceased, to dispose of his property, the council suggested that there ought to be some safeguards against the abuse of the trust on the part of the executors.[62] Two years later they objected to an act to provide for the sale of the real estate of minors in certain cases. They held that the notice required was too short and would therefore be prejudicial to the interests of the minors, especially if they happened to reside outside the state.[63] At the end of the session of 1823 a bill was passed authorizing the appointment of public administrators. This bill was returned to the assembly at the beginning of the session of November 15, 1824. The council objected that the bond required of the administrators provided for by the bill was not sufficient. They believed that a bond should be fixed in each case of administration and should vary in amount with the value of the estate. They also believed that the existing laws were sufficient for the purpose sought to be accomplished by the bill.[64]

Two bills were vetoed, each entitled "an act relative to wills and testaments, executors and administrators and the settlement

[60] *H. J.*, 1833, pp. 687, 707, 723, 724.
[61] *S. J.*, 1840, p. 234.
[62] *H. J.*, 1819, pp. 111, 112; *S. J.*, p. 123.
[63] *H. J.*, 1821, p. 195; *S. J.*, pp. 104, 105.
[64] *S. J.*, 1824, pp. 5, 25; *H. J.*, pp. 107, 203.

of estates." The first was in 1827. The council could not approve this bill because it "contains numerous objectionable features, and in some cases has made such a total change in some of our existing laws, as to overturn some of the long settled, and as we believe, highly approved principles of the common law." One section was objected to because it "would be productive of highly injurious consequences to the peace and harmony of the married state, by introducing separate and conflicting interests between husband and wife." Another section should be amended so as to give the wife her share of the personal property of her deceased husband after the payment of the debts.[65] The other bill was passed during the following session. In the veto message the council expressed strong approval of the bill in general. It objected, however, to a section which deprived the widow of her right of dower in her husband's real estate if he should die insolvent. The council held that the right of dower was so ancient and almost sacred that it should not be abolished. They asserted in their message of disapproval that this was the first time in the history of the United States that it had been threatened.[66]

It has been noted above that many bills for the relief of private persons became laws without the approval of the council of revision. The only bill for strictly private relief vetoed was in 1845. A certain Lovell Kimball had received permission of the Illinois Canal Commission to cut timber on the canal lands for the construction of a mill. But Kimball had in addition taken a number of trees and cut them up for sale. The circuit court of La Salle county had fined him $260. Governor Ford happened to have been the judge who fined Mr. Kimball. Now the general assembly proposed to return $200 to the latter. The council objected that the remission of the penalty would make it impossible to protect the canal lands against trespassers.[67] Two bills for the relief of a public official were disapproved. In 1823 Wm. A. Baird, a sheriff in St. Clair county, in compliance with a legislative act released a prisoner convicted of forgery. The party injured by the forgery sued Baird but lost in all the courts. The general assembly of 1827 proposed to reimburse Mr. Baird to the extent of $100 for the expenses he had been obliged to pay in defending himself. The council disapproved. They held that every officer takes his office with the chance of being sued for performing lawful acts. To reimburse him would set a

[65] *S. J.*, 1827, p. 328.
[66] *S. J.*, 1829, pp. 283, 286, 288.
[67] *H. J.*, 1845, pp. 601-602.

dangerous precedent. This same bill was introduced in the following general assembly and again disapproved, the council calling attention to their former veto and seeing no reason why they should change their attitude.[68]

In addition to the bills discussed above a number of others were disapproved on various grounds of expediency and policy. Few of them seem to be of sufficient importance to merit individual consideration. Only three will be given here. Two of them were passed by the general assembly of 1827. The first was an act to regulate inns and taverns and for other purposes. The council took a stand for curtailment of the drinking evil. They held "that granting licenses to dram-shops, tippling houses, and groceries, to sell spirituous liquors by a less quantity than one quart have a direct tendency to encourage drunkenness and immorality." The proper line of policy would be to remove such temptations as far as possible.[69]

The second bill referred to was an act to ascertain and survey the northern boundary of the state. The council objected to the bill on two grounds. In the first place it did not provide for the payment of the commissioners who were to perform the work on behalf of the state. That was intended to be left for a future general assembly to provide. The council did not believe that it was possible to get competent men to do the work under those circumstances. In the second place they objected to the method of choice of the commissioners. The bill provided that they were to be chosen by the general assembly. The council believed that the method best calculated to insure the selection of real experts was to leave the matter of their selection to the executive. They pointed out the fact that that had been the procedure in 1821 when the line between Illinois and Indiana had been run, and that a similar method had invariably been pursued by the national government.[70]

The last bill to be considered in this group was an act to divorce certain persons. The council held it inexpedient to divorce persons by legislative act. All the questions involved are judicial and ought to be decided by a court.[71]

Vetoes of Defective Bills.—The third general class of vetoes were made on account of defective bills. There were in all thirty-three such bills disapproved. These vetoes, like the vetoes

[68] *S. J.*, 1827, pp. 260, 261; *H. J.*, 1829, p. 265.
[69] *S. J.*, 1827, pp. 240, 245.
[70] *H. J.*, 1827, pp. 430-431, 433, 456, 462; *S. J.*, pp. 276, 283, 289.
[71] *S. J.*, 1831, pp. 327, 400-401, 411; *Laws*, pp. 71-72.

on constitutional grounds, were scattered well over the whole period of the existence of the council of revision. Only two general assemblies, 1836-1838 and 1846-1848, escaped without any vetoes of this class. The usual number was two or three per session. Once, in 1839, it ran as high as six. Only two such bills were passed over the veto. The first was an act of 1821 ordering the United States to pay certain fees for the keeping of federal prisoners in state jails.[72] The second was in 1835. It was the "act providing for the election of county recorders and surveyors" referred to above. It was defective in several particulars. Two days after passing this bill over the veto the general assembly passed a second act remedying every defect pointed out by the council.[73]

Though the class of defective bills is somewhat large, it is not necessary to discuss these bills in any great detail. They may be roughly divided into half a dozen groups. Ten may be classified as generally ill-considered and hasty. They were often based on misapprehension or lack of information. Often likely to produce unexpected and undesirable results.[74] Two bills may be classed as superfluous—one wholly, and one in part.[75] Four were vetoed because they conflicted either with legislation already passed or were contradictory within their own provisions.[76] Three were vetoed because the council considered that they were unlikely to accomplish the purpose for which they were passed. In one case, in fact, delay in the passage of the bill in question had made the performance of the acts required therein impossible.[77] There were seven vetoes on the grounds of ambiguities, such as vague terms and phrases. For example, a bill in 1825 carried in one of its sections the word "aforesaid." But since there was no antecedent for the word the effect in the opinion of the council would have been to render the whole act void. In 1845 a bill was presented carrying certain provisions concerning corporations. It provided for the forfeiture of the

[72] *H. J.*, 1821, p. 107; *S. J.*, pp. 61, 84, 109, 112.

[73] *H. J.*, 1835, pp. 408-410, 449; *S. J.*, pp. 385, 454; *Laws*, pp. 61-62, 165-167.

[74] *H. J.*, 1819, pp. 176, 182; *H. J.*, 1823, pp. 273-274; *S. J.*, 1829, p. 284; *S. J.*, 1831, p. 323; *H. J.*, 1835, pp. 61, 408-410; *H. J.*, 1839-40, pp. 338-339; *H. J.*, 1838-39, pp. 603-604.

[75] *H. J.*, 1821, p. 107; *S. J.*, 1845, p. 453.

[76] *S. J.*, 1827, p. 219; *S. J.*, 1835, p. 525; *S. J.*, 1840-41, p. 149; *H. J.*, 1838-1839, p. 452.

[77] *H. J.*, 1825, p. 190; *H. J.*, 1843, pp. 546-547; *H. J.*, 1845, p. 597.

charters of "any corporation" which should commit certain acts. The council pointed out that the phrase "any corporation" was broad enough to include cities and towns and perhaps even counties. Attention has already been called to the act of 1821 requiring the "United States" to pay certain fees, and the act of 1827 confounding the terms "under-tenant" and "assignee of a lessee."[78] Seven bills were vetoed on account of omissions either due to legislative inadvertence or errors on the part of the clerical force.[79]

GENERAL ESTIMATE OF THE OPERATION OF THE COUNCIL OF REVISION

Looking back on the period from 1818-1848, the council of revision must be said to have filled very creditably an important place in the constitutional system of the State of Illinois. This is true whether we regard it from the standpoint of its control over legislation or whether we look closer into the character of the veto messages themselves. More bills were vetoed relative to the number of laws passed than in New York, the only other state in the Union that has had a council of revision. In the latter state 128 bills were disapproved as compared with 6,590 passed, or somewhat less than two per cent. In Illinois 104 bills were disapproved as compared with 3,158 enacted into law, or somewhat more than three per cent. In New York 17 bills, or fourteen per cent of those disapproved, were passed over the veto. In Illinois only eleven per cent were passed over the veto.[80] Not only were relatively few bills passed over the veto, but as we have seen only two of these were bills of any importance whatever.

An examination into the reasons given by the council for disapproving bills has disclosed the fact that they prevented several important violations of the constitutions of both the United States and the state of Illinois. They prevented the enactment of a number of laws which would have been detrimental to the public good and by their dissent laid the foundation for several beneficial lines of policy. They halted many

[78] *H. J.*, 1821, p. 107; *S. J.*, 1821, p. 152; *H. J.*, 1823, p. 298; *S. J.*, 1825, p. 165; *H. J.*, 1827, pp. 388-389; *H. J.*, 1839, p. 545; *S. J.*, 1845, p. 6.

[79] *H. J.*, 1825, pp. 78, 299; *H. J.*, 1827, pp. 446, 351, 352; *H. J.*, 1833, p. 709; *H. J.*, 1839, p. 215; *H. J.*, 1843, p. 317.

[80] *Proceedings and Debates*, New York Constitutional Convention, 1821, pp. 52-57. See also Charles Z. Lincoln, *Constitutional History of New York*, Vol. I, pp. 743 ff.

defective bills and caused them to be amended, thereby doubtless saving the state great expense and inconvenience.

The messages of the council are characterized by ability and insight. The uniform excellence of its opinions may perhaps be ascribed partially to the fact that it was a continuous body. While there were a number of changes in personnel from time to time due to various reasons, there were several justices who held office for terms long enough to give stability to the council. Those who held the longest were Thomas C. Browne from 1818 to 1848, William Wilson, from 1819 to 1848, and Samuel D. Lockwood, from 1825 to 1848.[81] But it must be remembered that they worked under conditions quite different from those existing today. Fewer bills were passed. There was less rush at the end of the session. Then the number of bills disapproved after adjournment was negligible. Now, as we shall see, ninety-five per cent of the vetoes are made after the adjournment of the general assembly.

As would naturally be expected, the fact that the members of the supreme court constituted together with the governor a council to revise bills resulted in few bills being held unconstitutional by the supreme court as such. During this whole period only four laws were declared unconstitutional by the court. Two of these involved the national constitution and two involved the constitution of Illinois. One of these was held unconstitutional partly because it had not been submitted to the council for approval. Another, the act incorporating the State Bank of Illinois, had been passed over the veto. But two of the acts declared unconstitutional had been approved by the council of revision.[82]

There is no evidence pointing to a lack of harmony and cooperation between the governors and the other members of the council. In very few instances was the governor found with the minority. Very often he seems to have cast the deciding vote. In only one case does he stand out taking materially different ground from the rest of the council, namely, in the veto of the famous internal improvements act of 1837, discussed

[81]Under the constitution of 1818 judges held during good behavior, with the provision that the terms of judges appointed before the end of the first legislative session held after January 1, 1824, should expire at the end of that session. In re-constituting the court in 1825 two of the judges, Browne and Wilson, were re-elected.

[82]A. B. Wright, *Judicial Control over Legislation in Illinois,* (unpublished thesis) pp. 9-15.

above. Governor Duncan concurred with the rest of the council in the opinion that the bill was unconstitutional as indicated. In addition he objected to the policy of committing the state to this huge enterprise. This fact has led to a later impression that if he had had the veto power alone, the state would have been saved from the internal improvement fiasco. It is almost certain, however, that in that case his veto would have been overruled.

The council of revision, however, was not destined to continue a part of our constitutional system. The same situation had arisen here in 1848 that caused New York to abandon it in 1821. The purely judicial work of the members of the council demanded all of their time. This was especially true after 1841 when they were required to hold circuit courts as well. The Democrats were distrustful of the supreme court. It had been Whig up to 1841. In that year the Democrats packed it by increasing its members from four to nine. In addition they loaded them with the task of all the circuit court work. But though they controlled the court for the time being they were not willing to permit it to retain the veto power. They favored a strong veto in the hands of the governor.[83] The result was the abolition of the council of revision by the constitutional convention of 1848.

[83]Davidson and Stuvé, *History of Illinois*, p. 544; *Illinois State Register*, July 23, 1847.

II. TABLE SHOWING THE NUMBER AND DISTRIBUTION OF BILLS VETOED BY THE COUNCIL OF REVISION, THE ACTION TAKEN UPON VETOES, THE REASONS FOR VETOES, AND THE NUMBER OF LAWS ENACTED, 1818-1848.

General Assembly	Laws enacted*	Laws without approval	Bills disapproved			Action on bills disapproved			Reasons for disapproval		
			Disapproved	House bills	Senate bills	Passed over veto	Amended	Dropped	Constitutional	Policy	Defective
1818-1820	159	0	12	8	4	1	11	0	1	8	2
1820-1822	90	4	9	7	2	4	5	0	3	3	3
1822-1824	123	0	5	3	2	0	5	0	1	2	2
1824-1826	101	0	8	4	4	0	7	1	2	2	3
1826-1828	89	0	16	10	6	3	9	4	3	9	4
1828-1830	64	1	6	4	2	0	3	3	0	5	1
1830-1832	137	2	2	0	2	0	2	0	0	1	1
1832-1834	228	1	2	2	0	0	1	1	0	1	1
1834-1836	319	14	4	3	1	2	1	1	1	0	3
1836-1838	335	21	3	1	2	0	3	0	2	1	0
1838-1840	403	22	12	11	1	0	6	6	4	2	6
1840-1842	282	0	8	2	6	1	3	4	3	3	2
1842-1844	341	2	7	6	1	0	3	4	3	2	2
1844-1846	333	4	6	2	4	0	0	5	1	2	3
1846-1848	154	0	4	3	1	0	3	1	4	0	0
Totals....	3,158	71	104	66	38	11	62	30	28	41	33

*This list includes, of course, only the bills that actually found a place on the statute books, with or without the approval of the council of revision.

CHAPTER III

THE SUSPENSIVE VETO UNDER THE CONSTITUTION OF 1848

Strictly speaking, the governor of Illinois did not have the veto power until 1848. Despite the fact that New York was about to drop it (in 1821), Illinois in 1818 had adopted the council of revision plan under which the governor was obliged to share the veto power with the members of the supreme court. That this worked well we have already seen. But the increasing burden of the duties of the supreme court as such made a change imperative. The present chapter will be devoted to a discussion of the veto power during the period from 1848 to 1870. It may properly be called a transition period, during which a weak veto power was vested in the hands of the governor. It demonstrated the need of, and prepared the way for, a strengthening of that power in 1870 and again in 1884 which has made the veto power of the governor of Illinois one of the most effective in the Union.

THE FORM OF VETO POWER IN THE CONSTITUTION OF 1848

An examination of the constitution of the rest of American states at the time of the adoption of the Illinois constitution of 1848 reveals the fact that eight out of the whole number had no veto power. They were: Delaware, Maryland, North Carolina, Ohio, Rhode Island, South Carolina, Tennessee, and Virginia. The rest, twenty in number, all gave their governors a more or less effective veto power. A brief summary of these provisions on the basis of the vote required to override the veto and the time allowed the governor for the consideration of bills may serve as a background for the study of the Illinois provision adopted in that year. One state (Connecticut) required only a majority of those present to override the veto; eight (Alabama, Arkansas, Florida, Indiana, Kentucky, Missouri, New Jersey, and Vermont) required a majority of the total membership; four (Iowa, Michigan, New York, and Texas) required two-thirds of those present; and seven (Georgia, Louisiana, Maine,

Massachusetts, Mississippi, New Hampshire, and Pennsylvania) required two-thirds of the total membership.

The time allowed the governors for the consideration of bills varied from three to ten days. Three states (Arkansas, Connecticut and Iowa) allowed only three days; ten states (Alabama, Florida, Georgia, Indiana, Maine, Massachusetts, New Hampshire, New Jersey, Texas, and Vermont) allowed five; one (Mississippi) allowed six days; and six states (Kentucky, Louisiana, Michigan, Missouri, New York, and Pennsylvania) allowed ten days. Indiana, Kentucky, Louisiana, Maine, and Pennsylvania also provided that vetoes, the return of which had been prevented by the adjournment of the legislature, should be returned within the first three days of the following session, or the bills in question were to become effective without the governor's signature.

At this time the four states with the strongest veto power were Louisiana, Pennsylvania, Michigan, and New York. All four allowed their governors ten days for the consideration of bills. Louisiana and Pennsylvania required a vote of two-thirds of the total membership of each house to override the veto. Michigan and New York permitted it to be done by two-thirds of those present.

In the Illinois constitutional convention of 1848 there was never any doubt that the council of revision would be discontinued. There seems to have been no sentiment at all for its retention. On the other hand, several resolutions proposing alterations in the constitution contained provisions for its abolition.[1] Mr. Kitchell, a member of the convention, objected to the presentation of too many questions at once. He urged that they be presented one at a time. "For example, let it be the abolition of the council of revision. There is probably not a member not prepared to discuss and vote on that proposition."[2]

However, there was considerable diversity of opinion regarding the merits of a veto power in the hands of the governor. On the one hand there were the customary speeches against the power of one man to thwart the will of the people. It was a vestige of royalty and unrepublican.[3] On the other side it was urged that the tyranny of one is less dangerous than the tyranny of many; that the governor is more nearly the representa-

[1] *Journal of the Constitutional Convention of 1847*, pp. 19, 25, 27, 30, 41.
[2] *State Register*, June 18, 1847.
[3] *State Register*, July 23, 1847.

tive of the people than is the legislature; that he could be held to more definite responsibility; and that as a matter of fact it had worked very satisfactorily in the state.[4]

Perhaps only a small percentage of the convention would have favored the abolition of the veto power altogether. On the question of granting a strong or weak veto power to the governor the members were nearly evenly divided. On the whole, the Democrats seem to have favored the former while the Whigs seem to have favored the latter.[5]

The committee of ten appointed to draft the article on the executive was headed by Samuel D. Lockwood, who had been a member of the supreme court and the council of revision since 1825. On the 18th of June they reported to the convention. Section 20 of the article reported proposed to vest the veto power in the hands of the governor. It required a two-thirds vote of those present to override the veto.[6]

In the convention itself section 20 had a rather checkered experience. It was considered in committee of the whole on the 16th and 17th of July. On the 16th an amendment proposed by Mr. Cross of Winnebago, providing that a majority of the total membership of each house of the legislature should be sufficient to override the veto, was rejected.[7] On the following day an amendment offered by Mr. Minshall was accepted. It required a three-fifths vote of the total membership to override the veto.[8] But on August 11th at the final consideration of the report of the committee of the whole by the convention, it was again amended. This amendment, offered by Mr. J. M. Davis, lowered the vote required for repassage from three-fifths to a majority of the total membership.[9]

The veto section as finally adopted by the convention is found in section 21 of Article IV of the constitution of 1848. It provides:

> Every bill which shall have passed the senate and the house of representatives shall, befort it becomes a law, be presented to the governor; if he approves, he shall sign it; but if not, he shall return it, with his objections to the house in which it shall have originated; and the said house shall enter the objections at large on their journal, and proceed to

[4] *Ibid.*
[5] *Ibid;* Davidson and Stuvé, *op. cit.*, p. 544.
[6] *Journal,* pp. 63-64.
[7] *Ibid.*, p. 176; *State Register,* July 23, 1847.
[8] *Journal,* pp. 177-178.
[9] *Ibid.*, pp. 322-323; *Illinois State Register,* Aug. 20.

reconsider it. If, after such reconsideration, a majority of the members elected shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered; and if approved by a majority of the members elected, it shall become a law, notwithstanding the objections of the governor; but in all such cases the votes of both houses shall be determined by yeas and nays, to be entered on the journals of each house respectively. If any bill shall not be returned by the governor within 10 days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the general assembly shall, by their adjournment, prevent its return, in which case the said bill shall be returned on the first day of the meeting of the general assembly, after the expiration of said 10 days, or be a law.[10]

THE USE OF THE VETO POWER, 1848-1870

An examination of the provision just quoted shows that it provided merely a suspensive veto. Article III section 21 provided that no bill shall become without the concurrence of a majority elected to each house of the general asembly. Should the governor object to the passage of any bill the same majority would be able to pass it over his veto. The most that he could do would be to force a reconsideration.

Nevertheless, the governor's hands had been strengthened. The veto power had not been changed essentially from what it was under the council of revision. But it had all been placed in his hands. He was not obliged to share it with the members of the supreme court who might outvote him in the council. It is curious to note that Augustus C. French, the first governor under the constitution of 1848, was under exactly the opposite impression. This is the more remarkable when we recall that he had already served two years, from 1846 to 1848, and therefore was familiar with the veto power under the council of revision. In his inaugural address of January 2nd, 1849, he said, alluding to the veto power:—

I am not unmindful of the fact that by the virtual destruction of the veto power, by a provision of the new constitution, there remains to the executive of the state but the merest shadow of power or influence by which to arrest the passage of any law, however obnoxious it may be in itself, or great the damage it may threaten to the public interest. Yet the limited agency still allowed the executive in the enactment of laws, and his accountability to the people for its faithful discharge, require of him a no less conscientious performance of this duty than what is reasonably expected from the more active and efficient department of the law making

[10]Thorpe, II, pp. 997-998; Hurd, *op. cit.*, p. XLIII.

power. There is also associated with the opinion here expressed the gratifying reflection that if my views fail to harmonize with those of the people and their representatives they can form no serious hindrance to those of the latter in any attempt made to carry them through.[11]

Extent of the Use of the Veto Power, 1848-1870.—That the veto power under the constitution of 1848 was not so weak as depicted by Governor French is disclosed by a study of its use during the period from 1848 to 1870. During this period of twenty-two years exactly one hundred bills were returned to the general assembly by the governors. Fifty-one were returned to the house of representatives while forty-nine were returned to the senate.

The distribution of these bills shows a remarkable fact. During the first twenty years they ran very evenly. There was never a session without a veto. They usually ran from one to three for each general assembly. In 1859 and 1865, however, they ran as high as four and seven respectively. When we come to Governor Palmer's administration the story is quite different. During the legislative session of 1869 alone, seventy-two vetoes were made, or nearly three-fourths of the whole number made during the twenty-two year period under consideration.

Compared with the number of laws enacted from 1848 to 1870, but few bills were disapproved. The total number of laws enacted was 7510. On this basis the number disapproved was something like one and one-third per cent. It will be recalled that under the council of revision it was a little over three and a third per cent. In fact it does not run higher than four and a half per cent even in 1869 when seventy-two vetoes were made In that year alone 1573 laws were enacted by the general assembly.

Two vetoes were withdrawn, both in 1849. Both bills, one a senate bill and the other a house bill, had been returned to the general assembly by Governor French in each case in response to resolutions of the house in which the bill had not originated. It appears that certain promoters had secured the incorporation of the Illinois Coal Company. This company had secured a practical monopoly under the false pretense that certain other companies were great monopolies. The bill had originated in the house and had been passed in the senate. In the meantime a senate bill incorporating the Illinoistown Railroad Company had passed both houses. This latter company would be a competitor of the Illinois Coal Company. The friends of the coal com-

[11] *H. J.*, 1849, pp. 8 ff.

pany now sought to defeat the railroad company's charter. The house of representatives was induced to adopt a resolution calling upon the governor to return the bill to the senate on the ground that the house had "in haste and without consideration" adopted certain amendments to the bill. The senate agreed to the said amendments and had refused to return the bill to the house to enable that body to correct its error. The senate now in turn requested the governor to return the house bill incorporating the Illinois Coal Company. In both cases the governor acceded "to preserve that courtesy and harmony which ought to exist between the several departments of the government." The outcome was a joint resolution requesting the governor to approve both bills, "the several resolutions of the two houses requesting their return to the contrary notwithstanding."[12]

Effectiveness of the Veto Power, 1848-1870.—To determine the effectiveness of the governor's veto power it will be necessary to study the fate of the bills disapproved. It will be recalled that Governor French had been under the impression that the veto power had been destroyed. An examination of the facts in the case shows this to have been very much exaggerated. In fact, prior to the legislative session of 1869, out of the twenty-eight bills returned by the governor only two were passed over the veto. The first was in 1851 and the second in 1865. But during the session of 1869 the number passed over was seventeen as compared with seventy-two returned, or about one-fourth For the whole period from 1848 to 1870 the number passed over the veto was just short of twenty per cent. It will be recalled that during the preceding period it had been something over ten per cent.

A large number of the bills passed over the veto during this period were of great importance. The first was a house bill of 1851 establishing a "general system of banking." Governor French was a Democrat and opposed to paper money. He had warned against wild-cat banking in both his messages of 1849 and 1851, and had sounded a warning that the veto would be used.[13] The bill when it reached the governor was duly disapproved, whereupon it was passed over the veto by the vote of 39 to 30 in the house of representatives and 13 to 11 in the senate.[14] According to Article X section 5 of the constitution, banking acts were to

[12]*H. J.*, 1849, pp. 477-478, 482, 510; *S. J.*, pp. 375, 378.
[13]*H. J.*, 1849, pp. 12 ff; *Ibid.*, 1851, pp. 18 ff.
[14]*H. J.*, 1851, pp. 474-479; *S. J.*, p. 421.

be submitted to the people for approval or rejection before they were to go into effect. This act was submitted in the fall of 1851 and ratified by a substantial majority.[15]

The second bill pased over the governor' disapproval was in 1865. It was the famous act "Concerning Horse Railways in the City of Chicago." Governor Oglesby disapproved it as a violation of the obligation of contract. The corporation was doing business by virtue of an agreement with the city of Chicago, ratified and made binding by legislative acts of 1859 and 1861. Under this agreement the city of Chicago was free to buy the property of the company at an appraised value at the end of twenty-five years. The bill before the governor proposed among other things to extend the corporate life and rights of the company for ninety-nine years. There were several objections. The bill granted a monopoly. It incorporated into the act and made them binding for the whole term of ninety-nine years "all acts or deeds of transfer of rights, privileges or franchises between the corporators named in this act, or any two of them." The governor objected that these acts and deeds were unknown. They might be both illegal and unconstitutional for all he knew. "When private acts and deeds are to be given by force of law they should be definitely known." The provisions with regard to regulation and rate making consistenly favored the company as against the city. The governor objected that it should have been the other way. Under cover of a pretense to reenact a prohibition against the common council of Chicago it did the very opposite by authorizing the council to provide for the construction of railroads on certain streets. The chief objection here was that the council could act only with the consent of the traction company. If the council was to have control of the streets, it should not be made to share that control with a private corporation. The bill was passed over the veto by a vote of 55 to 22 in the house of representatives and 18 to 5 in the senate.[16]

[15]Message of Governor French, Jan. 4, 1853; Dowrie, *Banks in Illinois Before 1863*, p. 139. It may be noted that in spite of the defects pointed out the act worked very well. Up to 1861 only fourteen banks had failed. In only one case had the notes not been redeemed at par, and in that case the loss was only 3 per cent. See message of Governor Wood, 1861, *H. J.*, pp. 20 ff.

[16]*H. J.*, 1865, pp. 562-566, 593, 597; *S. J.*, pp. 411-416. It has taken Chicago practically half a century to regain the ground lost by this one act. See John A. Fairlie, *Quarterly Journal of Economics*, XXI, pp. 371-

During the legislative session of 1869 seventeen bills were passed over Governor Palmer's disapproval. Five were bills authorizing unorganized localities to subscribe for railroad stock.[17] Two were bills authorizing Bloomington and Joliet respectively to aid private corporations in the establishment of manufacturing concerns.[18] Two acts, one local and the other general, made discrimination in the matter of taxation in favor of communities which had subscribed to railroad stock.[19] Four were acts regulating the fees of local officers.[20] Three acts of minor importance, two local and one general, need not be discussed here.[21] Finally, an act granting some 1050 acres of the Chicago Lake Front to the Illinois Central Railroad for a small part of its actual value was passed over the veto. It was passed over the veto by a vote of 52 to 31 in the house of representatives and 14 to 11 in the senate.[22]

It may be of interest to note that if the constitution had required a two-thirds vote instead of a majority, eleven of the nineteen bills would have failed to pass over the veto. This number would have included most of the important acts. The only very important act that would still have been passed over was the Chicago traction act of 1865.

During the period of 1818 to 1848 it was customary to amend bills to meet the objections of the council of revision. Thus about two-thirds were amended while only one-third were abandoned. On the other hand, during the period now under consideration, it was not customary to amend the bill to meet the governor's objections. In fact this was done only once, and that in a case where the house in which the bill had originated re-

403; Blair v. Chicago, 201 *U. S.* 400 (1906). The court in Blair v. Chicago did not hold the act in violation of contract. It held that it did not clearly extend the term of the franchise to 99 years.

[17]*H. J.*, 1869, III, pp. 537, 639, 640, 647, 648, 692; *S. J.*, II, pp. 845, 849, 882-884, 971, 976.

[18]*S. J.*, 1869, I, p. 949, II, pp. 75, 926-927, 952; *H. J.*, II, p. 589, III, p. 751.

[19]*S. J.*, 1869, II, pp. 871-876, 883-884; *H. J.*, III, pp. 659-693.

[20]*H. J.*, 1869, III, pp. 530, 633, 643, 747-748; *S. J.*, II, pp. 932-933, 961, 966.

[21]*H. J.*, 1869, III, pp. 282, 532, 543, 635, 641; *S. J.*, II, pp. 828, 877, 952, 962.

[22]*H. J.*, 1869, III, pp. 517 ff., 638; *S. J.*, II, p. 922. It has taken Chicago almost half a century to regain control of the Lake Front. See Theodore K. Long, *Lake Shore Reclamation Commission Report*, Chicago (1912).

quested its return.[23] All the other bills which were not passed over the veto were dropped. In case it was desired to do anything further to them the favored method seems to have been to introduce substitutes.[24]

It is certain that a good deal of fraud and irregularity was practiced from time to time in the passage of bills. It is not the purpose here to recite a catalog of such acts, but merely to call attention to a few cases that have come to the writer's notice in this study of the use of the veto power. Attention has already been called to the "unwarrantable means" used by the friends of the Illinois Coal Company to defeat the charter of the Belleville and Illinoistown Railroad Company. In 1859 the general assembly passed an apportionment act "gerrymandering" the state for Democratic party advantage. The bill was vetoed by Governor Bissell. Both parties committed irregularities. The Republicans, knowing that the bill would be passed over the veto if they remained at the session, absented themselves so as to break a quorum. The Democrats on their part refused to accept the veto message of the governor, under the pretext that the assembly could not do business without a quorum, intending that the bill should become law without approval.[25] The governor won. The bill failed to become a law.

A most audacious trick was attempted in 1863. A senator from the southern part of the state introduced a bill in January purporting to grant a charter to the Wabash Railroad company. Accepting his word that it was an ordinary charter, the senate passed the bill without formal reading. In the house of representatives it was likewise passed without reading and discussion early in June. Instead of a bill to incorporate the Wabash Railroad Company, Governor Yates found a bill chartering an immense corporation authorized to build and operate a street railway on the principal streets and bridges in Chicago and its suburbs.[26]

In 1869 Governor Palmer vetoed an act to amend the charter of the city of Joliet. It provided that to be qualified to hold the office of mayor or alderman the candidate should have been a resident taxpayer and freeholder for at least two years preceding the election. It also restricted the right to vote on any meas-

[23] *H. J.*, 1869, III, pp. 609, 624, 650, 679; *S. J.*, II, p. 944.

[24] See *S. J.*, 1861, pp. 11, 18, 117; *H. J.*, 1869, II, pp. 345, 445; III, p. 650; *S. J.*, 1869, II, pp. 736, 904; *Private Laws*, 1869, III, p. 599; IV, pp. 323-324.

[25] *H. J.*, 1859, pp. 884 ff., 880-881.

[26] *S. J.*, 1863, pp. 386 ff.

ure creating indebtedness to taxpayers and freeholders of one years's residence. The veto was sustained by the senate, to which body the bill had been returned, by a vote of 21 to 1, Senator Snapp of Joliet alone voting for repassage. Senator Snapp had introduced the original bill. He now "put one over" on both houses of the general assembly and the governor. The veto had been made on March 8th. Two days later Senator Snapp introduced the identical measure merely changing its number from Senate Bill No. 531 to Senate Bill No. 843. It passed unanimously three readings in each house on the same day, and was duly signed by the unsuspecting governor.[27]

The constitution provided that bills disapproved, the return of which had been prevented by the expiration of the ten days allowed the governor for their consideration, should be returned on the first day of the meeting of the general assembly after the expiration of such ten day period or become effective. Ten bills were thus returned, four by Governor Bissell, one by Governor Yates, and five by Governor Oglesby. None of these bills were passed over the veto. With one or two exceptions they were all dropped from further consideration.[28]

Bills Becoming Law Without Approval.—Thirty seven acts became effective without the governor's approval. The first of these was in 1863, seven in 1867, and twenty nine in 1869. Six were in the hands of the governor at the time of the adjournment of the general assembly. Thirty-one became effective during the session. Eleven dealt with private incorporations.[29] Twenty-two dealt with the incorporation of cities or towns.[30]

ANALYSIS OF THE VETO MESSAGES, 1848-1870

Classifying the bills returned on the basis of what seems the most serious objections it has been found that thirty-eight were vetoed on constitutional grounds, fifty-three on grounds of policy or expediency, and eight on account of defectiveness. One was

[27] *S. J.*, 1869, I, pp. 431, 608, 634, 683; II, pp. 380, 381, 445, 617; *H. J.*, III, pp. 325, 554; *Private Laws*, 1869, II, pp. 10-12.

[28] *H. J.*, 1859, pp. 58, 60; 1863, pp. 12-13, 349, 434-435; 1867, p. 12; *S. J.*, 1861, pp. 11-12, 18, 117; 1867, pp. 11, 12, 13, 14.

[29] *Private Laws*, 1867, I, p. 938; II, pp. 235, 455, 521, 794; *Private Laws*, 1869, I, pp. 290, 298; II, pp. 342, 828, 851, 871.

[30] *Private Laws*, 1867, I, p. 835; *Private Laws*, 1869, I, pp. 280, 385, 461, 524, 683; II, p. 180; III, pp. 548, 581, 604, 628, 685, 714, 723, 816, 839; IV, pp. 70, 78, 108, 156, 174, 201.

returned as having been signed inadvertently; but no reasons were given.[31]

Vetoes on Constitutional Grounds.—Of the thirty-eight bills disapproved on constitutional grounds one was held to violate the ordinance of 1787. This was an act providing for the incorporation of the Okaw River Navigation Company and granting this company exclusive right to navigate the Okaw river for fifty years. But this was in conflict with Article IV of the ordinance of 1787, which provides among other things that "the navigable waters leading into the Mississippi and Saint Lawrence, and the carrying places between the same, shall be common highways, and forever free, etc." In addition Governor Oglesby pointed out that it was very poor policy to grant monopolies of this sort.[32]

The largest number of vetoes on constitutional grounds involved questions of taxation. Six were disapproved as authorizing unequal taxation. Two of these dealt with railroad taxation. An act was passed in 1869 relating to the "Hamilton, Lacon and Eastern Rairoad Company, and the local taxes thereon in the counties of Livingston, La Salle, and Marshall." It provided that all taxes except state taxes, collected from the company on its whole line should be returned to the communities that had subscribed to stock of the road, and in proportion to the amount of their subscription. Governor Palmer objected that this would be taking the property of one county and paying it to another. "That plainly can not be done."[33]

A more obnoxious measure was passed the same year, however. It was the so-called "tax grab" act or, to quote its title, "an act to fund and provide for paying the railroad debts of counties, townships, cities and towns." It provided that all taxes whether state or local assessed in these local units upon the railroad property in question, except the two mill tax required by the constitution for the payment of the state debt and the state tax levied for the support of schools, should be devoted to the payment of the bonds issued as subscription to stock. In addition it provided that all state taxes assessed in these local units in excess of the valuation of 1868 were likewise to be devoted to the payment of the bonds. It made the state the custodian of these funds and pledged their application to the object in question. Gevernor Palmer objected that the constitution pro-

[31] *S. J.*, 1859, p. 582.
[32] *H. J.*, 1867, II, p. 211.
[33] *S. J.*, 1869, II, pp. 883-884; *H. J.*, III, p. 693.

vided that all taxes must be uniform throughout the state and that the general assembly could not relieve any community from paying its share. In addition it was objectionable in that it was a step in the direction of state assumption of local debts.[34]

Four bills passed in 1869, in the opinion of the governor, violated Article IX section 5 of the constitution, which provided that the corporate authorities of counties, towns, etc., might be vested with the power to tax for corporate purposes, but that such taxes were to be uniform in respect to persons or property within their jurisdiction. All these bills exempted farm land within the corporate bounds until it should have been laid out into lots or blocks of five acres or less.[35]

Seven bills were disapproved because they authorized taxation for private purposes. The governor was of the opinion that while it had been held that a locality could subscribe to railroad stock, it was not permissible to make an outright gift. Nor was it permissible to levy a tax to secure the location of railroad shops or for the promotion of manufacturing or business concerns. Governor Palmer believed that it was not possible to construe the constitution so as to make it appear that these undertakings were legitimate public purposes.[36]

A bill to provide for the construction of a levee on the Okaw or Kaskaskia river was vetoed because it authorized a uniform tax for this purpose. The general assembly, Governor Palmer held, could authorize such a tax only in proportion to the benefit derived by the property taxed.[37]

Two bills were disapproved because they undertook to dispose of private property by legislative act. The first was a bill in 1857 for the incorporation of the St. Louis and Cincinnati Railroad Company. The bill proposed to create a new corporation vesting all the corporate powers of the Ohio and Mississippi Railroad Company in one individual, who was alleged to have purchased the property and franchises of that company. In addition the bill proposed to confer upon him "all the rights, powers and franchises usually possessed by such corporations."

[34]*S. J.*, 1869, II, pp. 871-876; *H. J.*, III, p. 659. In Ramsay v. Hoeger, 76 *Ill.* 432-445, it was held that under the constitution of 1848 the exemption made was constitutional. But the constitution of 1870, Article IX, section 6, expressly provides what Governor Palmer contended for in 1869.

[35]*S. J.*, 1869, II, pp. 736, 904; III, pp. 599, 658.

[36]*S. J.*, 1869, I, pp. 499, 949; II, pp. 75, 739, 889-890, 926-927, 949, 952; *H. J.*, II, p. 589; III, pp. 540, 541, 641, 751.

[37]*H. J.*, 1869, III, pp. 534, 642.

Governor Bissell called attention to the fact that the ownership of the property in question was then pending in the courts of both Illinois and Missouri. He regarded the question a judicial one and beyond the power of the legislative branch. Governor Bissell also objected to the vague and general grant of powers just quoted. The constitution did not permit special legislation except in rare cases. In the case of special incorporations the powers granted should be carefully specified.[38] The second bill was passed in 1869. It proposed to establish a certain road and to require the owners of the land to remove their fences within ninety days or be liable to punishment for obstructing a public highway. Governor Palmer disapproved this bill because private property could not be taken by legislative act, and punishment for trespass or obstruction could not be authorized until the land had become public property through regular condemnation proceedings.[39]

As if the practice of authorizing incorporated communities to subscribe to railroad stock had not already gone far enough, the general assembly of 1869 proposed to go still further. Six extraordinary bills were passed during that session, each of which in whole or in part authorized parts of communities to subscribe to stock. Two were bills to authorize certain cities, counties, towns, villages, or townships, or parts thereof, to subscribe to railroad stock. Four were bills to authorize trustees of schools in counties not having township organization to make subscription. They were to act upon petition of not less that fifty voters in the district stating the amount and other details of the subscription. An election was to be held. And if the majority should favor the proposal the trustees "in their corporate capacity" were to make the subscription for the township. In all these cases Governor Palmer held that there was no power in the general assembly to authorize unorganized communities to act in the manner proposed. Whether these localities were merely designated parts of organized communities or congressional school townships there was no corporation competent to act. They were merely groups of private individuals, none of whom could be authorized to take any action binding the rest.[40]

A bill which proposed to alter the boundaries of Perry county was passed in 1869. Governor Palmer disapproved it,

[38] *H. J.*, 1859, p. 58.

[39] *H. J.*, 1869, III, p. 535.

[40] *S. J.*, 1869, II, pp. 882-884, 849, 845, 971, 976; *H. J.*, III, pp. 537, 637, 640, 647, 648, 692, 696, 756.

giving as his reasons that it conflicted with sections 2 and 4 of Article IV of the constitution, which provided that no county should be divided or added to without the consent of the majority of the legal voters of the county, nor should any portion of a county be separated from it without the consent of a majority of the voters of such portion.[41]

The act of 1865 "concerning Horse Railways in the city of Chicago" has already been referred to. Governor Oglesby was of the opinion that this act extending the charter and rights of the company to ninety-nine years was a violation of the contract existing between the city of Chicago and the corporation under which the franchise was to last for twenty-five years, leaving the city free to buy the property at an appraised value at the end of that time. In the case of Blair v. Chicago,[42] the supreme court of the United States held that the terms of the act purporting to extend the franchise were not clear and that therefore the franchise had not been so extended. Therefore, of course, the agreement between the corporation and the city of Chicago had not been violated. There seems to be little doubt, however, that the intention was to extend the franchise.

In 1869 a bill was passed fixing passenger rates on railroads in Illinois. The maximum rate per mile was to be three cents for persons over ten years of age and one and a half cents for children under ten. Governor Palmer objected to this bill, first, because it was a violation of the obligation of contract, and secondly, because the fixing of a rate was a judicial question. A corporate charter, he held, was a contract, and it could not be violated by the legislature. Impairment might be done by modification or change of the charter as well as by total subversion. He suggested that both parties to the contract, the state and the corporation, had rights under it. The general assembly might by law require the roads to fix a reasonable rate and to make no discriminations. But the question as to what constituted a fair and reasonable rate was, in his opinion, a judicial question and should be left to the courts.[43]

Three bills were passed during this period involving the surrender of governmental powers, one in each of the sessions 1857, 1867, and 1869. The first was a bill to incorporate the "Iroquois Horse Company No. Two." It proposed to incorpor-

[41] *H. J.*, 1869, III, pp. 529, 639.
[42] 201 *U. S.* 400 (1906).
[43] *S. J.*, 1869, I, p. 471.

ate certain citizens of Iroquois, for the protection of their property against thieves and robbers. They were to possess the common rights and powers of corporations, such as perpetual existence, the right to sue and be sued, the right to adopt by-laws, levy assessments on their members, etc. The company or any of its members were authorized to arrest without warrant and bring before the proper officer any person suspected to be guilty of robbery or theft—especially horse stealing. In case of the arrest of an innocent person, they were not to be held liable unless it could be shown that they had acted with malice. Apparently they were not limited to acting within Iroquois county. Governor Bissell was unsparing in his criticism of this bill. It was characterized as dangerous and outrageous. "Such an outrage upon what we are accustomed to regard as sacred rights," he said, "has probably no precedent in any free country."[44]

The second bill of this class was "an act to amend the charter of the Chicago Law Institute." It provided that all existing members of the Chicago Law Institute and all future members were to become notaries public and have certificates issued to them by the secretary of state upon the receipt of a statement from the secretary of the institute. Governor Oglesby disapproved this bill stating that there was only two constitutional methods of filling an office—either by election or appointment. He also objected to the provision authorizing the secretary of state to issue commissions. Under the constitution all officers were to receive their commissions from the governor.[45]

The third and last bill of this class was like the one passed in 1857. It proposed to incorporate the "Mercantile Protective Insurance Company of Chicago"—an association of private persons to protect themselves against thieves, robbers, and burglars. The bill authorized the company to organize a uniform force of watchmen with power to make arrest and whom all state and local officers were bound to respect. Governor Palmer in his veto message recommended that people should take more care in the election of police officers. Then it would not be necessary to invest private persons with police power.[46]

Nevada had just become admitted to the Union. Up to the time of her admission she had been protected by Congress. As if to remind her that her position in the sisterhood of states

[44] *H. J.*, 1859, p. 60.
[45] *S. J.*, 1867, pp. 1230-1231.
[46] *H. J.*, 1869, III, pp. 540, 645-646.

involved not only privileges but obligations as well, the general assembly of Illinois in 1869 passed two bills incorporating mining companies to do business in Nevada. They were to be confined exclusively to that state and were granted extensive powers and privileges there. Governor Palmer in returning the bills said that Illinois could not thus legislate for Nevada. The proper place for the persons interested in mining in Nevada to go to get their charter would be to that state. If states could be permitted to legislate for one another in this manner serious consequences would follow.[47]

One of the safeguards in the constitution of 1848 against the evils of private legislation was found in section 23 of Article III, which provided in part that no private or local law passed by the general assembly should contain more than one subject and that that should be clearly expressed in the title. Three bills were found conflicting with the provision. The first was the bill of 1863 already discussed, which under cover of the title "an act to incorporate the Wabash Railway Company" attempted to surrender the principal streets and bridges in Chicago to a public service corporation. The two others were passed in 1869. One was an act abolishing the court of common pleas in the city of Cairo. In addition it proposed to raise the salaries of the marshal and ex-marshal of Cairo. By the insertion of this provision Governor Palmer held that the bill had been made to conflict with two sections of article III of the constitution, section 23 by including more than one subject, and section 33 which provided that " the general assembly shall never grant or authorize extra compensation for any public officer, agent, servant, or contractor, after the services shall have been rendered or the contract entered into."[48] The other was a bill to incorporate a real estate concern. It carried the seductive title "the Southern Illinois Emigrant Aid Society." Governor Palmer upon reading the title of the bill had been led to expect to find a charter for a charitable institution. What he found was a company authorized to loan money and buy and sell land. The misleading name of the corporation was evidently adopted to enable the incorporators to prey on the ignorance and confidence of the settlers.[49]

Vetoes on Grounds of Policy.—The fifty-three bills returned on grounds of policy or expediency will be discussed under the following general classification: returned upon request, private

[47] *S. J.*, 1869, II, pp. 739, 885-886.
[48] *S. J.*, 1869, I, pp. 428-429.
[49] *S. J.*, 1869, II, pp. 890-891.

corporations, public corporations, fees of public officers, and miscellaneous. Seven bills were returned in compliance with the requests of one or the other of the houses of the general assembly. The two bills of 1849 incorporating the Illinois Coal Company and the Belleville and Illinoistown Railroad Company respectively have already been noted. The former originated in the house of representatives and the latter in the senate. Owing to a misunderstanding between the two houses the house of representatives requested the governor to disapprove the senate bill. The senate in turn requested the disapproval of the house bill. The outcome, as we have seen, was a joint resolution requesting the governor to approve both bills.

In 1861 the house of representatives requested the return to the senate of a senate bill to regulate practice in the fifth judicial circuit, alleging in their request that they had passed it without thoroughly understanding some of its features.[50] The remaining four bills of this class were house bills pased in 1869. Their return was asked in one resolution. As a result of their return two were amended and one was dropped, and in the case of the fourth a substitute was adopted.[51]

It seems desirable to mention in this connection a bill returned in 1869 in compliance with a request of private citizens. This was a bill for "an act to legalize the transfer of certain franchises and rights of action to the Rockford, Rock Island and St. Louis Railroad Company." A petiton signed by 1200 citizens of Cass county requesting its rejection was presented to Governor Palmer. The latter in returning it to the house stated that he was in possession of no information that would justify him in acting one way or the other, but that the size of the petition was such as to warrant him in returning it for reconsideration. It is perhaps significant that the bill was dropped.[52]

One of the most serious evils of the period from 1848 to 1870 was the practice of special legislation and especially that of creating special private corporations. Twenty-three of the bills returned on the grounds of policy during this period dealt with special private corporations. Nine were attempts to create corporations for the purpose of dealing in land. Three were passed in 1865 and six in 1869. Governor Oglesby in vetoing the three bills of 1865 laid the foundation for a policy denying corporate organizations to mere real estate firms. He urged that to justify

[50] *S. J.*, 1861, p. 587.

[51] *H. J.*, 1869, III, pp. 609, 618, 624, 650, 653, 679, 764; *S. J.*, II, p. 944.

[52] *H. J.*, 1869, III, p. 604.

the grant of corporate powers and privileges there should be some commensurate benefit to the public. In the bills before him he could see no such benefits. Indeed, two of these companies, the Illinois Land Company to be located in East St. Louis, and the Brooklyn Land Company to be located in South Chicago, were clearly organized to own and hold large tracts of real estate contrary to the best interests of these communities and without the risks attendant upon individual ownership.[53] Governor Palmer in 1869 followed this policy adopted by Governor Oglesby. He disapproved six bills authorizing the formation of mere land companies. He followed the line of objections raised by the latter, as will be seen from an examination of his veto of the bill to incorporate the Illinois Land Company. This was doubtless another attempt made by the same concern which had been refused a charter of incorporation in 1865. The governor had learned that it was a concern owning 1200 acres of valuable land in East St. Louis. It was, he held, an attempt to escape the embarrassments usually incident to general ownership of land such as division of the property on account of death or individual failure. The bill he considered contrary to the public interest. Here was an attempt to create speculative values and hence make it more difficult for the people to own homes. It was an attempt to take a certain block of land off the market and at some future time reap an unearned reward.[54]

Eight private incorporation bills were disapproved because they granted too great powers in general. Two of these granted privileges and powers not enjoyed by other corporations engaged in the same line of business.[55] Two others made it possible to evade the usury laws and charge a high rate of interest.[56] In the other cases of this group of bills the powers granted were generally objected to as being "too great," "enormous" and the like. One case may be cited, the bill to incorporate the Massac Manufacturing Company. It was to enjoy perpetual existence, and was authorized to issue stock up to $1,000,000. As far as Governor Palmer was able to see it might go into any sort of business where it might "drive out competition whether corpor-

[53] *S. J.*, 1867, pp. 12, 13, 14.

[54] *H. J.*, 1869, III, pp. 531, 534, 535, 635, 642, 762; *S. J.*, II, pp. 844, 883-884, 887-889.

[55] *S. J.*, 1854, p. 188; 1869, II. p. 738.

[56] *H. J.*, 1855, p. 699; 1869, III, pp. 532, 645.

ations or individuals." He stated that he felt himself called upon to make an earnest protest against such a bill.[57]

Two interesting bills were disapproved in 1865. They are interesting chiefly because they show to what absurd extremes a legislature may go. The most important of them was a bill to incorporate the "Quincy Board of Water Works." It granted a perpetual franchise with a monopoly in furnishing water for the city. The corporation was given unrestricted power to fix rates, and there was no provision for legislative control.[58] The less important of the two was a bill to incorporate the "McLean County Dairy and Cheese Company." It granted the incorporators exclusive right to manufacture cheese in McLean county for ten years. "I am unable to see," said Governor Oglesby, facetiously in his message of disapproval, "why Mr. Lowery, Mr. Matson, and Mr. Hall have any more right to manufacture all the cheese in McLean county for ten years than they have to eat all the cheese in McLean county for the same number of years."[59]

Four years later two bills were passed for the purpose of establishing the Massac County Agricultural and Fair Association and the Logan County Agricultural Society and Driving Park Association. Under cover of an apparent public purpose as the titles would indicate, it was attempted to exempt their property from taxation. In addition they were empowered to appoint their own police officers, who might make arrests without warrant. Governor Palmer found that they were mere private undertakings for profit and he could therefore not approve them.[60]

A bill to incorporate the Union Life Insurance Company passed in 1869 was disapproved because it attempted to make the state the custodian of certain funds of this company. It provided that certain funds should be deposited with the secretary of the treasury who was to give his receipt therefor. It provided further that "such receipt shall be a pledge in good faith upon the state of Illinois for the safe keeping of such deposit." Governor Palmer did not think it proper to make the state carry this risk inasmuch as it had no interest in the undertaking.[61]

During the same session Governor Palmer also disapproved a

[57] *S. J.*, 1869, I, p. 423; II, pp. 883-884; *H. J.*, III, pp. 535, 536, 645, 646.
[58] *H. J.*, 1867, p. 12.
[59] *S. J.*, 1867, p. 11.
[60] *H. J.*, 1869, III, pp. 543, 636, 643.
[61] *H. J.*, 1869, III, pp. 542, 645.

bill to incorporate the Western Commercial Agency. This was an attempt to establish a corporation to collect information useful to business men. Presumably one of its functions would have been to investigate the financial conditions of men and business firms in whom their clients might have an interest. Governor Palmer held that such a firm might do a good deal of harm to the credit of any one whom they might investigate and their liability for damages should be provided for if the bill were to become a law. But he believed that this sort of business might very well be left to private persons.[62]

Four bills affecting cities and towns were disapproved. Three were bills for amending the charters of Joliet, the town of Golconda, and the village of Lockport respectively. Attention has already been called to the act amending the charter of the city of Joliet. It provided that only persons who had been resident taxpayers and freeholders for two years preceding the election should be qualified to hold the office of mayor or alderman. It moreover provided that only tax payers and freeholders of one year's standing should be qualified to vote on any measure tending to create indebtedness. Governor Palmer believed that it might be wise to create certain residence and property qualifications for the office of mayor. But the franchise, he held, should certainly not be thus narrowed. Freeholders were not superior, neither in wisdom nor patriotism, to the rest of the population.[63] The amendment proposed to the charter of the town of Golconda would have made it a misdemeanor to fail to work on the streets, without regard to whether or not persons were physically able to do so or prevented by poverty from paying for it.[64] There were several objections to the bill passed to amend the charter of Lockport. It gave the trustees power to suppress hackmen, draymen, carters, porters, omnibus drivers, cabmen, carmen, and all others who should pursue like occupations. It granted very large powers to the police magistrates and justices of the peace, raising their jurisdiction to amounts involving as high as $500, authorizing them to send their processes to any part of the county, and, finally, denying the right of appeal in cases arising under the town ordinances and not involving more than $500. In the substitute that was passed all the objections of

[62] *H. J.*, 1869, III, p. 533.
[63] *S. J.*, 1869, II, pp. 380-381.
[64] *S. J.*, 1869, II, pp. 887, 889.

Governor Palmer were obviated.[65] The fourth bill of this class was for an act to incorporate the city of Carlyle. It attached the surrounding farm district to the city for school purposes. But though it provided that the farmers should be taxed for school purposes it did not give them any voice in the control of the schools.[66]

During the period under consideration three apportionment bills were disapproved. Two of these, one in 1857 and 1859 respectively, were to reapportion representation in the general assembly. The third was a bill in 1863 to reapportion representation in Congress. The first of these had been inadvertently signed by Governor Bissell and the report of this fact was transmitted to the house by his clerk, though the bill had not left his possession. As soon as he discovered his error and within thirty minutes after his clerk had reported his approval to the house of representatives the governor corrected his error and reported it to the house. The house refused to accept the correction. During the same year the case came before the supreme court where Judge Caton, delivering the opinion of the court, held that the governor could change his mind and correct his errors as long as the bill was in his possession.[67] The following general assembly also passed an apportionment bill. It was likewise disapproved by Governor Bissell. The reasons given were that the effect of the bill would be to continue political control in the hands of a minority of the people. The bill was also defective in that it placed one county in two senatorial districts, and was unconstitutional in that it violated section 10 of article III in the matter of excess representation.[68]

The congressional reapportionment bill of 1863 was also a "gerrymander." Governor Yates in disapproving it said that it was not better than the existing law as regarded the conveniences of the electors of the state, and that the districts were not so properly formed with regard to territory and population. "In these above respects it shows more regard for party advantage than it does for the rights, privileges, and conveniences of the

[65] *H. J.*, 1869, II, pp. 278, 345, 445; *S. J.*, I, p. 838; *Private Laws*, IV, pp. 323-324.

[66] *H. J.*, 1869, III, pp. 534, 605, 692.

[67] *H. J.*, 1857, pp. 1004, 1018, 1022, 1023; People ex rel. v. Hatch, 19 *Ill.*, 282.

[68] *H. J.*, 1859, pp. 884 ff.

people of the state at large." It was passed over the veto in the senate, but failed to carry in the house of representatives.[69]

The practice of regulating the fees of county officers by special act was another source of confusion. Governor Palmer disapproved six such bills in 1869. He called attention to the fact that the general assembly in 1867 had passed eleven such bills causing a great deal of confusion and overlapping. The bills presented to him were local and partial while the subject was general and could well be covered by a general law.[70]

In addition to the above vetoes which it has been found possible to classify more or less, fourteen others were made on various grounds of policy and expediency. It is not thought desirable to discuss them all here. The three most important will be mentioned, however. Two of these have already been noted in connection with the discussion of bills pased over the veto, namely, the Banking Act of 1851 and the Lake Front Act of 1869. The main objection of Governor French to the Bank Act were, that it did not provide definitely for a reserve for the redemption of the notes to be issued, that it did not provide a safe and adequate personal liability on the part of the stockholders for redemption of notes, and that under the law the banks might become distributing agencies for foreign bank paper.[71] The Lake Front Bill, among other things, granted 1050 acres of land to the Illinois Central Railroad for the sum of $800,000, payable in four installments within a year. Section six of the bill provided that if at the end of four months the city of Chicago should not have released all its claims and interest in the land the company should be relieved from further payment. Governor Palmer objected that the $600,000 remaining in the hands of the company in such event should not be cancelled. He had found by consulting the board of public works in Chicago that the lands proposed to be vested in the Illinois Central Railroad Company for $800,000, and possibly for $200,000, were worth $2,600,000 market value. The company should be required to pay full value for the land in question. He also objected to the grant of submerged lands capable of affording 70,000 lineal feet of dock front. A relatively small expenditure would raise its value to $1,000 per front foot. The bill did not require the Illinois Central to improve the land. What was worse, it deprived the state

[69]*H. J.*, 1863, pp. 654, 672-673.

[70]*H. J.*, 1869, III, pp. 530, 633, 643, 645, 661, 747-748; *S. J.*, II, pp. 932-933, 961, 966.

[71]*H. J.*, 1851, pp. 474-479; *S. J.*, p. 421.

of the power to require it later. It failed to reserve to the state the right to limit profits made on this property for the relief of commerce. The bill should be amended in the respects indicated. It should also be amended so as to enable the state to receive seven per cent of the gross receipts from the property granted and from all improvements made thereon. The property should, finally, be made subject to taxation in all respects. As has been stated, the bill was repassed in spite of the governor's objections.[72]

Repeated attention has been called to the practice prevalent during this period of encouraging public subscription to stock of coroprations—especially railroads. The result was a serious increase in the debts of local communities leading as a further result to pressure upon the general assembly for relief. The last case of the use of the veto power to influence the policy of the state to be noted in this chapter arose in connection with this situation. A bill was passed in 1869 amending an act of 1865 relating to county and city debts. Governor Palmer disapproved it. He stated in his message that it was one of a class of bills the object of which was to cause the state to assume the local debts. But if the people of the state wished to assume this burden, it would have to be done by the representatives of the people without the governor's consent.[73]

Vetoes of Defective Bills.—Under the council of revision a relatively large number of bills were disapproved on account of defectiveness. The exact number was thirty-three out of a total of one hundred and four or nearly one-third. During the period under consideration the number was much smaller both relatively and absolutely. Out of a total of one hundred bills returned by the governor only eight were returned as defective, and six of these were returned during the legislative session of 1869.

It does not seem, however, that the smaller number of bills thus returned warrants the conclusion that legislators were more careful or capable during the period from 1848 to 1870 than they were during the earlier period. Indeed there are many indications that they were much less careful. The fact seems to be that the council of revision—a judicial body—subjected bills to a much more searching test than the governor was able to do.

[72] *H. J.*, 1869, III, pp. 517 ff., 638; *S. J.*, II, p. 922.
[73] *S. J.*, 1869, II, pp. 844, 883-884, 898-899.

The first bill to be returned on account of defectiveness was passed by the general assembly of 1859. It was an act to provide for binding the laws. It conflicted in some of its provisions with laws ordering their distribution.[74] A bill to establish graded schools in Nashville was returned in 1869. A strange error had crept into the bill. While Nashville is in Washington county, the bill required the board of education to furnish an abstract of all children under twenty-one years of age to the school commissioner of Knox county.[75]

The rest of the bills of this class were all superfluous. In 1865 a bill for an act to enable Pike county to aid drafted men to procure substitutes was returned. The governor gave as his reason that "the member from Pike" had informed him that more satisfactory legislation had been passed by the general assembly since the bill in question had been passed.[76] In 1869 one bill had been passed obviating certain defects in the one returned.[77] Another bill to change the time of electing school trustees was returned as superfluous because a general act had been passed on the subject. Three bills were returned because identical bills had already been passed and approved.[78]

CONCLUDING REMARKS ON THE VETO POWER FROM 1848-1870

Attention may again be called to the fact that the first governor under the constitution of 1848 felt that he had been deprived of the veto power. We have seen that that was not true —that indeed he had just been given the veto power. We have also seen that it was effective generally up to 1869 and that even during that session of the general assembly only seventeen bills were passed over the veto.

Nevertheless, as the situation developed, a mere suspensive veto proved adequate. Not only was it necessary to strengthen the veto power, but other safeguards were needed to check the legislative department of the government. One look at the legislative riot in Illinois between the end of the civil war and 1870 will prove sufficient. Judge Dillon had said of the general assembly in 1857 that "It is probably true that more corporations were created by the legislature of Illinois at its last session than existed in the whole civilized world at the com-

[74] *S. J.*, 1861, pp. 11, 18, 117.
[75] *H. J.*, 1869, III, pp. 534, 642.
[76] *H. J.*, 1865, pp. 973, 975.
[77] *H. J.*, 1869, III, p. 221.
[78] *S. J.*, 1869, III, pp. 740, 891.

mencement of the present century."[79] But the movement had merely begun.

The growth of private legislation was one of the most serious evils of the period. In 1857 the general assembly enacted 563 special laws. Not until 1865 was this number equalled or surpassed. In that year it reached 724. From there on it mounted higher and higher, to 1071 in 1867 and 1188 in 1869. Those were years of multifarious and indiscriminate incorporation. Success in 1865 and further success in 1867 had "merely whetted the appetites" of special privilege hunters. In 1869—after the people in November, 1868, had voted in favor of a constitutional revision—they "moved on the capitol."[80] Bills to incorporate seem to have been passed automatically. No scheme, however fantastic, seems to have been proposed in vain.[81]

Governor Palmer had strongly deprecated the practice of special legislation in his inaugural address of 1869.[82] We have seen that he disapproved a number of such bills. But he was simply helpless against the avalanche of bills that came down upon him. It is also a question whether—if he had returned say three or four hundred—they would not all have been pased over his veto.

The attitude of the general assembly towards its functions was wholly unworthy of that body. Article III section 23 of the constitution provided that "Every bill shall be read on three different days in each house, unless, in case of urgency, three-fourths of the house where such bill is depending shall deem it expedient to dispense with this rule.." This section was treated like a dead letter. Let us take, for example, a few facts from the end of the session of 1869. On March 10th, the day before adjournment, the house of representatives read twice and referred to committees fifty-three bills from eight o'clock to nine-forty in the evening.[83]

Bills were rushed through at the end of the session. Thus, on March 10, 1869, the house of representatives, in addition to the bills on first and second reading referred to above, passed one hundred and two bills on third reading. Moreover, fourteen

[79]Dillon, *Municipal Corporations*, paragraph 37a.

[80]Davidson and Stuvé, *History of Illinois*, pp. 912-913, 933, 937.

[81]*H. J.*, 1867, p. 12; 1869, III, p. 338, 540, 645-646; *S. J.*, 1867, pp. 11, 1230-1231; 1869, I, p. 471.

[82]*Personal Recollections*, pp. 285-287.

[83]*H. J.*, 1869, III, pp. 325-340.

of these were passed unanimously and sixty-seven with only one dissenting vote. In other words, out of the hundred and two bills, eighty-one passed by practically unanimous votes.[84] If we turn to the senate, the situation is still worse. During the forenoon session of March 10, 1869, four hundred and ninety-five bills were passed on third reading and only one was rejected. Out of the whole number passed two hundred and eighty-seven were passed unanimously. In the afternoon session, lasting from two-thirty to seven, ninety-five bills were passed and one rejected. Of the total number passed seventy-nine were passed unanimously. But it must not be understood that the dissenting votes—at least in the senate—meant anything. Maybe Mr. Tincher would get tired of voting affirmatively and the vote would run 19 to 1 for a series of bills; or Messrs. Adams, Boyd, and Epler would tire and the vote would run 18 to 3; or again, perhaps Messrs. Chittenden, Foot and Ward would vote negatively for a while and the vote would stand 21 to 3; or Mr. Ward alone would oppose and it would run 21 to 1 for a while.[85]

The number of bills sent to the governor for consideration at the end of that session was simply appalling. The general assembly took a recess from March 11 to April 14. On that day Governor Palmer reported that he had approved one thousand and fifty-four bills in the interval.[86] The fact is that the committee on enrollment had remained at the state house and laid before him from time to time between March 11 and April 1 one thousand and seventy-seven bills.[87]

In the discussion of the general development of the veto power in Chapter I it was suggested that the growth of that power was an indication of a marked growth of the confidence of the people in the governor. Without making the statement general, it is safe to say, for Illinois at least, that it was an inevitable result of a growing distrust in the legislature. The tyranny of the many had proved intolerable. On the other hand the governor had done something to counteract that evil. The people were now ready to strengthen his hand very considerably.

[84] *H. J.*, 1869, III, pp. 241 ff.
[85] *S. J.*, 1869, II, pp. 444-660.
[86] *S. J.*, 1869, II, pp. 741-789.
[87] *S. J.*, 1869, II, pp. 795-844.

III. TABLE SHOWING THE NUMBER AND DISTRIBUTION OF BILLS VETOED, THE ACTION TAKEN UPON VETOES, THE REASONS FOR DISAPPROVAL, AND THE NUMBER OF LAWS ENACTED, 1848-1870.

Governor	Year	Laws enacted	Laws without approval	Vetoes			Action on Vetoes			Grounds of Veto		
				Number	House Bills	Senate Bills	Passed over	Amended	Dropped	Constitutional	Policy	Defective
Aug. C. French	1848-50	280	0	2	1	1	0	0	0	0	2	0
	1850-52	470	0	1	1	0	1	0	0	0	1	0
J. C. Matteson	1852-54	664	0	3	1	2	0	0	3	0	3	0
	1854-56	509	0	2	0	2	0	0	2	0	2	0
Wm. K. Bissell	1856-58	784	0	3	3	0	0	0	3	3	0	0
	1858-60	393	0	4	1	3	0	0	4	1	1	1
Richard Yates	1860-62	538	0	2	1	1	0	1	1	0	2	0
	1862-64	186	1	2	1	1	0	0	2	2	0	0
Richard J. Oglesby	1864-66	840	0	7	3	4	1	0	6	1	5	1
	1866-68	1273	7	2	1	1	0	0	2	2	0	0
J. M. Palmer	1868-70	1573	29	72	38	34	17	1	52	29	37	6
-	Totals	7510	37	100	51	49	19	2	75	38	53	8

CHAPTER IV

THE VETO POWER UNDER THE CONSTITUTION OF 1870

Up to 1870 the governor of Illinois had had merely a suspensive veto. The same majority which was required to pass a bill on final reading could pass a bill over his disapproval. The constitutional convention of 1862 had proposed a strengthening of the veto power. The veto provision of the proposed constitution, found in section 14 of Article V, required a two-thirds vote of the whole membership of each house of the general assembly to override the governor's disapproval. It would have allowed the governor ten days for the consideration of bills after adjournment as well as during the session.[1]

However, this constitution was not ratified by the people. Though the state had been Republican at the election in 1860, nevertheless a majority of the members of the constitutional convention were Democrats.[2] The Republican press found it comparatively easy to discredit their work.[3] The conviction itself played into the hands of its enemies by pretensions to sovereign powers.[4]

THE VETO PROVISIONS OF OTHER STATES IN 1870

In 1870 there were thirty-seven states in the Union. Only five of these (Delaware, North Carolina, Ohio, Rhode Island, and West Virginia) did not have the veto power. A brief analysis will be made here of the situation with regard to the veto power in the other thirty-two states, chiefly on the basis of the vote required to override the veto and the time granted the governor for the consideration of bills.

The vote required to override the veto varied from a mere majority of those present to two-thirds of the total membership

[1] *Journal of the Constitutional Convention*, 1862, pp. 861-862, 1072 ff.

[2] *Illinois State Journal*, 1862, Jan. 22, March 26; Dickerson, *The Illinois Constitutional Convention of 1862*, p. 8; Davidson and Stuvé, *op. cit.*, p. 872.

[3] Dickerson, *op. cit.*, pp. 48 ff.

[4] *Illinois State Journal*, 1862, Jan. 15, Feb. 5 and 19; *Debates of the Constitutional Convention*, 1869, I, pp. 10-11; Dickerson, *op. cit.*, pp. 32 ff.

of each house of the legislature. Connecticut alone permitted a bare majority of the members present in either house to override the veto. Nine states (Alabama, Arkansas, Indiana, Kentucky, Missouri, New Jersey, Tennessee, Vermont, and Illinois up to 1870) required a majority of the total membership of each house. One state, Maryland, required a three-fifths vote of the total membership.

Almost two-thirds of the states having the veto power now required a two-thirds vote to pass a bill over the governor's disapproval. Nine of these (California, Florida, Iowa, Nebraska, New York, Oregon, Texas, Virginia, and Wisconsin) based the majority required on the number present. Twelve states (Georgia, Kansas, Louisiana, Maine, Massachusetts, Michigan, Minnesota, Mississippi, Nevada, New Hampshire, Pennsylvania and South Carolina) required two-thirds of the total membership.

The time allowed the governor for the consideration of bills during the session of the legislature varied from three to ten days. Eight states (Arkansas, Indiana, Iowa, Kansas, Minnesota, Nebraska, South Carolina, and Wisconsin) granted only three days. The tendency to place the time at five days had already become clear. Fifteen states (Alabama, Florida, Georgia, Louisiana, Maine, Massachusetts, Mississippi, Nevada, New Hampshire, New Jersey, Oregon, Tennessee, Texas[5] Vermont, and Virginia) allowed five days. Maryland, which was unique in requiring a three-fifths vote of the total membership of the legislature to repass a bill, was also alone in granting the governor six days for the consideration of bills during the session. Eight states (California, Connecticut, Illinois, Kentucky, Michigan, Missouri, New York, and Pennsylvania) granted ten days.

It will be recalled that the early constitutions made no specific provisions as to the time allowed the governors for the consideration of bills after the adjournment of the legislature. This defect was remedied by Michigan in the constitution of 1850. By 1870 nine states had adopted this method—granting the governor a definite time after adjournment to consider bills. Two states, Arkansas and Minnesota, allowed only three days. Three states, Indiana, Michigan and Oregon, granted five. Three, Florida, Missouri and Nevada, granted ten. Iowa had the most satisfactory provision, granting thirty days.

A tendency to give the governor longer time for the considera-

[5]The constitution of Texas provided, however, that any bill passed one day previous to adjournment and not returned by the governor before adjournment should become a law as if signed by him.

tion of bills after adjournment of the legislature than during the session had already begun to appear. It is true that Michigan granted less time after adjournment than during the session. Four states, Arkansas, Minnesota, Missouri and Oregon, granted the same length of time. But four states, namely, Florida, Indiana[6] Iowa, and Nevada, had lengthened the time. In both Florida and Nevada, the time allowed during the session was five days, and after adjournment, ten days. In Indiana and Iowa it was three days during the session, and five and thirty respectively after adjournment.

Ten states (Indiana, Illinois, Kentucky, Louisiana, Maine, Mississippi, Nevada, Oregon, Pennsylvania, and South Carolina[7]) required that the vetoes made after adjournment should be returned to the following session of the legislature for reconsideration, usually within the first three days of such session. We have seen from our study of the council of revision and the transition period from 1848-1870 that similar provisions in the Illinois constitution proved quite useless.

Only two states had provided that the governor might veto separate and distinct items in appropriation bills. They were Georgia and Texas, both of which had adopted such a provision in their reconstruction constitutions of 1868. As was pointed out in Chapter I, this precedent had been set by the constitution of the Confederate States.

THE VETO PROVISION IN THE CONSTITUTION OF 1870

The veto provision in the constitution of Illinois of 1848 was weak in several respects. It required only a majority of the members of each house of the general assembly to pass a bill over

[6]Indiana also provided that no bill should be presented to the governor within the last two days of the legislative session.

[7]The constitution of South Carolina of 1868 carried a strange error. It provided that "if a bill or joint resolution shall not be returned by the Governor within three days after it shall have been presented to him, Sundays excepted, it shall have the same force and effect as if he had signed it, unless the General Assembly, by their adjournment, prevented its return, in which case it shall *not* have such force and effect unless returned within two days after their next meeting." See Thorpe, *op. cit.*, VI, p. 3229; *Proceedings of the Constitutional Convention of South Carolina, 1868*, p. 854. The error was corrected in the constitution of 1895 by dropping the word "not", thus providing that bills in the hands of the governor after adjournment were to become laws unless returned within the first two days of the next meeting of the legislature.

the governor's disapproval. While it allowed the governor ten days for the consideration of bills during the session, the fact that it granted no definite time after adjournment was unsatisfactory. Finally, it did not authorize him to veto items in appropriation bills. These defects were remedied in the constitution of 1870 and by an amendment adopted in 1884.

The constitutional convention of 1869-1870 was overwhelmwhelmingly in favor of strengthening the veto power. The flood of special acts enacted by recent legislatures were fresh in the minds of the members. So were also Governor Palmer's heroic efforts of 1869 to stem the tide. But it was equally well realized that he had been largely helpless against the will of the general assembly.

Before the convention had appointed its committees, a resolution urging that the veto power be strengthened was offered.[8] One of the first things asked for was a reprint of Governor Palmer's veto messages of 1869, together with a report of the action of the general assembly on the vetoes.[9] Many speeches and resolutions referred to the evils of special legislation and expressed the belief that a strong veto power would have checked it.[10] To quote one member, Mr. Allen of Crawford county, supporting the strong veto power proposed by the committee on the executive, he said that an effective veto would have saved the state from "the curse of much of the vicious legislation that has prevailed for the last few years."[11]

The committee of nine, to whom the task of drafting the article on the executive department was entrusted, reported on January 26,1870. They unanimously reported a veto section providing that a two-thirds vote in each house should be required to override the governor's disapproval, and that the governor should have ten days for the consideration of bills both during the session and after adjournment.[12]

On February 19 the article on the executive department was taken up for consideration. Mr. Elliott Anthony of Chicago, the chairman of the committee of nine, referring to section 20 of the proposed article, said: "Had our present governor been clothed with this veto power, what untold miseries he would have saved us from." Replying to critics of the so-called one-

[8] *Debates*, p. 67.
[9] *Ibid.*, p. 90.
[10] *Ibid.*, pp. 90, 151-153, 213, 1375.
[11] *Ibid.*, p. 1377.
[12] *Ibid.*, pp. 289-290.

man power, he concluded that the argument did not turn upon that point, but upon the facts proved by experience, that the legislature was not infallible, that love of power might cause it to encroach upon the other departments, that factional strife might prevent deliberation, and that it might be led astray by haste or by the impressions of the moment. He believed that it was necessary to give the executive the veto power to enable him to defend himself and to increase the chances of the community against the enactment of bad laws, either through haste, inadvertence, or design. As for the argument that the veto power might be invoked to prevent the passage of good laws, he held that that was a negligible danger.[13]

Unsuccessful efforts were made to reduce the majority required to override the veto, on February 22 and April 20. Both would have reduced it to a majority of the total membership as under the constitution of 1848.[14] The attitude of the convention is shown by the vote on two amendments offered on April 20. The first was an attempt to have inserted the provision of the constitution of 1848, that bills vetoed after adjournment should be submitted to the next meeting of the general assembly for reconsideration. This was rejected by a vote of 47 to 11. The second was a proposal that the general assembly, if it should fail to pass a bill over the veto, might by majority vote submit it to the people for adoption or rejection. This amendment was rejected by the vote of 53 to 12.[15]

The veto provision as adopted by the convention is found in section 16 of Article V of the constitution. It provides that:—

> Every bill passed by the General Assembly shall, before it becomes a law, be presented to the Governor. If he approves, he shall sign it, and thereupon it shall become a law; but if he do not approve, he shall return it, with his objections, to the house in which it shall have originated, which house shall enter the objections at large upon its journal, and proceed to reconsider the bill. If, then, two-thirds of the members elected agree to pass the same, it shall be sent, together with the objections, to the other house, by which it shall likewise be considered; and if approved by two-thirds of the members elected to that house, it shall become a law, notwithstanding the objections of the Governor. But in all such cases the vote of each house shall be determined by yeas and nays, to be entered on the journal.[16] Any bill which shall not be returned by the

[13] *Debates*, pp. 745 ff.

[14] *Ibid.*, pp. 791-792, 1375-1376.

[15] *Ibid.*, pp. 1376-1377.

[16] Here was inserted in 1884 two paragraphs authorizing the governor to veto items in appropriation bills.

Governor within ten days (Sundays excepted) after it shall have been presented to him, shall become a law in like manner as if he had signed it, unless the General Assembly shall, by their adjournment, prevent its return, in which case it shall be filed, with his objections, in the office of the Secretary of State, within ten days after such adjournment, or become a law.[17]

THE VETO OF APPROPRIATION ITEMS

The constitutional convention of 1870 did not complete the task of perfecting the veto power. Two states, Georgia and Texas, had in 1868 adopted provisions enabling their governors to veto items in appropriation bills. Illinois did not adopt this feature until 1884. In the meantime eleven other states, in addition to Georgia and Texas, had adopted similar provisions. West Virginia adopted it in 1872; Pennsylvania in 1873; Arkansas and New York in 1874; Alabama, Missouri, Nebraska, and New Jersey in 1875; Colorado and Minnesota in 1876; and California in 1879.

Agitation started in Illinois early in the eighties. A resolution offered by Senator Kelly of Adams county during the session of 1881 is of interest as pointing toward an early adoption of the power to veto items in appropriation bills. The resolution proposed read:—

Whereas, appropriation bills have often been delayed to nearly the end of the session before they are put upon their passage, and reductions that have been carefully considered and adopted are frequently reinstated by committees of conference of the two houses without much deliberation, at the closing hours of the session; therefore,

Resolved, that all appropriation bills be considered and disposed of at least three days before the day fixed for adjournment.

Though the resolution failed it is of interest to note that it received twenty votes as against twenty-three opposed.[18]

Governor Cullom in his regular message to the general assembly of 1883 recommended that an amendment to the constitution giving the governor the power to veto items in appropriation bills be submitted to the people. He called attention to the fact that many state governors possessed this power; that the mayors of Illinois had been given this power in 1875; and that President Arthur had urged its adoption for the United States.[19] Early in the session, Senator Wm. R. Archer of Pike

[17] *Debates*, II, p. 1874; Hurd, *op. cit.*, p. lxii.
[18] *S. J.*, 1881, pp. 116, 129.
[19] *S. J.*, 1883, p. 42.

county introduced a resolution for an amendment to the constitution requiring appropriation bills to be itemized and giving the governor the power to veto distinct items of sections.[20] The resolution without change was adopted by both houses of the general assembly by overwhelming majorities—in the senate by the vote of 35 to 7, and in the house of representatives by 107 to 2.[21] It was submitted to the people for ratification at the general election of November 4, 1884, where it was approved by the vote of 428,831 to 60,244, out of a total vote of 673,096 cast at the election.[22] The popular vote may be of less significance than at first appears, however. Parties were required by law to express their preference for or against an amendment by printing the affirmative or the negative of the question on the ballot. All votes were then counted affirmatively or negatively according to such party action unless the ballots were "scratched."[23]

The amendment adopted was inserted in the body of section 16 of Article V of the constitution and reads as follows:—

Bills making appropriations of money out of the treasury shall specify the objects and purposes for which the same are made, and appropriate to them respectively their several amounts in distinct items and sections, and if the Governor shall not approve any one or more of the items or sections contained in any bill, but shall approve the residue thereof, it shall become a law as to the residue in like manner as if he had signed it. The governor shall then return the bill, with his objections to the items or sections of the same not approved by him, to the house in which the bill shall have originated, which house shall enter the objections at large upon its journal, and proceed to reconsider so much of said bill as is not approved by the Governor. The same proceedings shall be had in both houses in reconsidering the same as is hereinbefore provided in case of an entire bill returned by the Governor with his objections; and if any item or section of said bill not approved by the Governor shall be passed by two-thirds of the members elected to each of the two houses of the General Assembly, it shall become part of said law, notwithstanding the objections of the Governor.[24]

[20] *S. J.*, 1883, p. 111. Senator Archer had been a member of the constitutional conventions of 1847 and 1869, in both of which he had urged the adoption of a strong veto power. See *Illinois State Register*, July 23, 1847; *Debates of the Constitutional Convention*, 1869, I, p. 152.

[21] *S. J.*, 1883, p. 340; *H. J.*, p. 897.

[22] Thorpe, *op. cit.*, II, p. 1025; *Illinois Blue Book*, 1913-1914, p. 124.

[23] Gardner, "The Working of the state-wide Referendum in Illinois," *American Political Science Review*, V, p. 401.

[24] Thorpe, *op. cit.*, II, pp. 1025-1026; Hurd, *op. cit.*, p. lxii.

THE USE OF THE VETO POWER, 1870-1915

The Extent of Its Use.—The total number of vetoes made during the period from 1870 to 1915 was 297, almost seven per cent, as compared with the 4,302 laws enacted. Only two regular legislative sessions during this period were without a veto, namely the sessions of 1881 and 1885.

During the first session of the general assembly after the adoption of the new constitution, Governor Palmer disapproved eleven bills. From this time onward to the administration of Governor Altgeld there was a period when the veto power was used very little. In three sessions only, 1873, 1877, and 1889, did the number of vetoes run up to five.

Governor Altgeld disapproved twenty-three bills, twelve in the legislative session of 1893 and eleven in the session of 1895. This was followed by a period of six years when the number of vetoes again fell below ten per session. In fact, during the administration of Governor Tanner only seven bills were vetoed, three and four during the legislative sessions of 1897 and 1899, respectively.

From the second half of the administration of Governor Yates dates the extensive use of the veto power as we know it today. During the legislative session of 1903 thirty bills were disapproved. Since that time the number has only twice fallen below thirty—namely, in 1905 and 1911, when it was twenty-eight and twenty-three respectively. In the regular and special sessions of the general assembly of 1909-1910, during the first half of Governor Deneen's second term, forty-four vetoes were made—the highest number of bills returned to any general assembly in Illinois since Governor Palmer disapproved seventy-two bills during the legislative session of 1869. The growth of the use of the veto power may be seen at a glance from the following:—

Period.	Laws Enacted.	Bills Vetoed.	Percentage.
1870-1916*	4,302	297	7.0
1870-1900	2,394	68	2.8
1900-1916*	1,908	229	12.0
1908-1910	239	44	18.0

*Includes only the regular session of 1915.

Of the 297 bills disapproved during the period under consideration 173 were house bills while only 124 were senate bills. The governor's disapproval fell almost regularly more heavily on

house bills. In only three cases, the sessions of 1893, 1895, and 1897, were more bills returned to the senate than to the house of representatives.

Taking the whole period 1870 to 1915, 32 bills, or ten per cent of the whole number disapproved, were returned during the session of the general assembly; and 265, or ninety per cent, were returned after adjournment. The proportion of vetoes made after adjournment of the general assembly has increased steadily up to the present time. From 1870 to 1892, a period of twenty-two years, 38 vetoes were made. Of these, fifteen, or forty per cent were made during the session, while twenty-three, or sixty per cent, were made after adjournment. From 1892 to 1916, a period of twenty-four years, 259 bills were disapproved. Of these only seventeen, or six and a half per cent, were disapproved during the session, while 242, or ninety-three and a half per cent, were disapproved after adjournment. If we take the period of 1900 the percentage of bills disapproved during the legislative session falls still lower. Out of the 229 bills disapproved during that time only eleven, or four and a half per cent, were returned during the legislative session.

In the preceding discussion appropriation bills disapproved in part, under the amendment of 1884, have been included. It is of interest to note that that power was not brought into use before 1899. One bill was disapproved in part that year. But even after that there were three sessions in which no such vetoes were made namely, the sessions of 1901, 1909, and 1911. After 1900 the number of bills in which items were disapproved usually ran from four to six, but reached as high as ten during the session of 1915.

The Effectiveness of the Veto Power, 1870-1915.—In connection with this phase of the discussion of the veto power under the constitution of 1870 some striking facts appear. One may almost say that the veto power has been absolute. Only two bills have been passed over the governor's disapproval, the first in 1871 and the second in 1895. The first was an act authorizing the city of Quincy to subscribe for $500,000 of capital stock in the Quincy, Missouri and Pacific Railroad Company. The railroad company was chartered in Missouri and existed wholly within that state. Governor Palmer held the bill to be clearly unconstitutional. It revived an old law by title. It regulated the fees of public officers by special act. It conflicted with the constitutional requirement regarding uniformity of taxes for municipal purposes.

Despite these and other objections the bill was passed over the veto by 35 to 10 in the senate and 133 to 2 in the house of representatives.[25]

The act of 1895 was in regard to the employment of convicts. It forbade the manufacture of cigars in the prisons of the state. Governor Altgeld in his mesage of disapproval called attention to the fact that the constitution prohibits the sale of prison labor. It was therefore necessary to employ them in some useful occupation directly. The policy of the administration had been to employ them in various lines of work, assigning not more than one hundred to any one trade so as not to burden any one especially. He pointed out that if anything the cigar industry was somewhat favored, in that only fifty-eight prisoners were engaged in that industry at the time. The argument of uncleanliness he answered by saying that there was "not a neater and cleaner shop and workers in the country." Nevertheless the bill was repassed by large majorities, receiving 39 to 8 in the senate and 86 to 46 in the house of representatives.[26]

Another interesting fact in connection with the use of the veto power from 1870 to 1915 is the fact that only one bill was amended to meet the objections of the governor. This was a bill to amend section 3 of an act creating the Chicago Drainage District. There were slight defects in the title. In one place the preposition "to" was left out. In another phrase "obstacles" had been used instead of "obstructions," the word used in the original act. These defects and others of a similar nature would have made it necessary to take the act into court to determine its validity. Both houses of the general assembly agreed unanimously to the necessary amendments.[27]

ANALYSIS OF THE VETO MESSAGES 1870-1915

The veto messages during this period have been classified on the same principle employed in clasifying the vetoes of the two preceding periods. It has been thought best to place the vetoes of items in appropriation bills in a separate group, however. Logically, they come under the class of vetoes on grounds of policy. But by separating them from the general class to

[25] *S. J.*, 1871, I, pp. 377-383, 425; *H. J.*, p. 505. The act was upheld in Quincy, M. & P. R. Co., v. Morris, 84 *Ill.*, 410 (1877).

[26] *S. J.*, 1895, pp. 796, 933; *H. J.*, p. 1093.

[27] *S. J.*, 1907-1908, pp. 412, 413, 435; *H. J.*, p. 243.

which they belong a clearer appreciation of the operation of that particular feature of the constitution will be gained.

Vetoes on Constitutional Grounds.

During the period under discussion eighty-nine bills were disapproved on constitutional grounds. Two were disapproved as conflicting with the constitution of the United States, eighty-seven with the constitution of Ilinois.

Constitution of the United States.—The two bills regarded as conflicting with the constitution of the United States were passed in 1877 and 1905 respectively. The first was a bill to make silver coin legal tender for the payment of debts in Illinois. Governor Cullom is disapproving it held that it conflicted with paragraph 5 of section 8, Article I, of the constitution of the United States which gives Congress the power to coin and regulate the value of money. In addition he held it to be a violation of the obligation of contract in that it was intended to apply to past contracts where the form of money to be paid had not been expressly stipulated.[28] The second was a bill passed in 1905 to prevent the practice of "scalping" tickets for theaters and other places of amusement. Governor Deneen considered this to be repugnant to the fourteenth amendment of the national constitution. He referred to the case of the Gulf, Colorado and Santa Fe Railroad Company v. Ellis,[29] where the court had held a similar law in relation to railroad tickets invalid. In addition the bill carried a strange defect. It declared that "every person" who should commit any of the acts sought to be made unlawful "is hereby declared to be a misdemeanor."[30]

Constitution of Illinois.—Eighty-seven bills were disapproved on account of conflict with the constitution of Illinois. Fifteen of these fall within the first eight years of the new constitution. They ran from four to six for each general assembly, with the exception of that of 1877, where there was only one veto and that on constitutional grounds. It may also be noted that most of the vetoes during this early period were on constitu-

[28] *Executive Documents,* May 30, 1877; *House Bill* No. 47. The executive documents are filed chronologically in the archives of the secretary of state, Springfield, Illinois. Hereafter they will be cited as *Ex. Doc.* In addition the house or senate bills to which they refer will be cited as *H. B.* or *S. B.* as the case may be.

[29] 165 *U. S.,* 150.

[30] *Ex. Doc.,* May 8, 1905; *H. B.* No. 593.

tional grounds, Governor Palmer alone using it extensively on grounds of policy.

After the first eight years of the period under consideration vetoes became less frequent. During a period of twenty-four years there were only ten vetoes on constitutional grounds. At about half of the legislative sessions there were none. At other sessions the number varied from one to two. Beginning with the legislative session of 1903, the number increased for a time very rapidly from five in 1903 to four, eleven, and twenty-seven in 1905, 1907, and 1909 respectively, falling again to nine, seven, and one in 1911, 1913, and 1915, respectively.[81]

Constitutional vetoes will be classified and discussed on the basis of the article of the constitution with which they have been considered to conflict. Here they will be further classified according to the sections or specific provisions involved wherever possible. No attempt will be made to discuss them all. Wherever several conflicts with the same provision have occurred they will simply be enumerated while only the most representative cases will be discussed.

Bill of Rights.—Twelve bills were considered to violate article II, the bill of rights. Of these, six were said to conflict with section 2, which provides that no person shall be deprived of life, liberty, or property without due process of law. Two were bills passed in 1909 relating to the disposal of unclaimed property. One of the bills provided that a person absent for seven years followed by public notice for one year should "be presumed to be dead." It provided that administrators might be appointed and that payment of debts owing to the absentee to such administrators should bar his claim against the debtor should he subsequently appear.[82] The other was in relation to unclaimed deposits in banks and trust companies. It provided that after ten years such unclaimed deposits should be paid into the state treasury, to be held there for the benefit of those entitled to them. In his message of disapproval Governor Deneen pointed out that it conflicted with the theory of the relation of the banker to the depositor. The relation, he said, was not that of bailee or trustee, but of debtor. So far, therefore, as the statute of limitation had run it was held to deprive the banker of a property right. So far as the statute had begun to run it was held to be a violation of contract. In addition it was

[81] See table at the end of this chapter.

[82] *Ex. Doc.*, June 16, 1909; *H. B.* No. 56.

considered that so far as it applied to future contracts it was a special act, relating to a particular class of debtors, and therefore void.[33]

The same year a bill concerning the property of extinct churches, parishes, and religious societies was disapproved. It provided that such organizations should be considered extinct if for two successive years they should fail to hold regular religious services at least once a month for nine months out of the year, or should have less than thirteen resident attendants and supporters. The bill provided, further, that the central governing body of the church of which the congregation in question was a member might take over the property and dispose of it as it should see fit, or the local authorities might convey it to the central church authorities without consideration. It was pointed out that this bill did not provide a method whereby congregations might dissolve themselves, but that in fact it dissolved them, and that regardless of whether they were incorporated or not. It was held to violate the due process of law clause, in that it did not provide for judicial procedure nor compensation. In addition it was pointed out that it would doubtless also be held to interfere with the freedom of religion.[34]

In 1911 a bill was disapproved which provided for state inspection of apiaries. It was thought that the power granted the inspector to destroy bees that in his judgment were infected with dangerous diseases was unconstitutional. It failed to require a notice or provide for a judicial hearing of the case.[35]

Two years later an amendment was proposed to the civil rights act. Its main object was to prohibit discrimination against negroes in the matter of sale of burial places in cemeteries in the state. The terms of the bill were considered to be too sweeping inasmuch as it would have applied to all cemeteries whether publicly or privately owned.[36]

A more important veto made this same year involved a bill for an amendment to an "act to provide for the incorporation of cities and villages." It authorized the city council to establish residential districts, to forbid the construction of other than

[33]*Ex. Doc.*, June 16, 1909; *H. B.* No. 439.

[34]*Ex. Doc.*, June 15, 1909; *S. B.* No. 479.

[35]*S. J.*, 1911, p. 1157; *S. B.* No. 131.

[36]*H. J.*, 1913. p. 2159; *H. B.*, No. 591. See also People v. Forest Home Cemetery Co., 258 *Ill.* 36.

residences in such districts, and to regulate the general character of the buildings erected. Governor Dunne in disapproving this bill maintained that such powers as it was here proposed to vest in city councils could be exercised only under the police power, and that the police power could be invoked only in protection of the public safety, health, and general welfare. Illinois decisions were cited to show that regulation of private rights for mere aesthetic reasons could not be brought under the general welfare clause, and that private property could not be arbitrarily interfered with unless the use of such property could be shown to be injurious to others.[37]

Governor Deneen in 1907 disapproved a bill which proposed to abolish the grand jury in certain cases. It provided that a grand jury should be summoned at least once a year in each county, at the first term of court, and that it might be summoned at other times in cases of emergency or public danger. At other times indictments might be made on information in writing filed in the name of the state's attorney of the proper county. This bill was held to conflict with section 8 of the bill of rights, which requires indictment by grand jury for serious offenses with certain exceptions, "*Provided*, that the grand jury may be abolished by law in all cases." The bill in question did not abolish the grand jury in all cases and was therefore considered void.[38]

Four years later a bill was passed to authorize Cook county to build a system of roads and boulevards. It provided that for the purpose of condemning the land necessary the circuit or probate court should, upon application from the county board, appoint appraisers of the land to be acquired. But the court was not required to accept the valuation of the appraisers. It was authorized to refuse it and appoint new apprasiers. This was considered to violate section 13 of the bills of rights, which requires appraisal to be made by the jury.[39]

Three bills were disapproved as impairing the obligation of contract. Two were in the early seventies and the third was in 1911. The first first was a bill in 1871 authorizing the taxation of certain lands belonging to the Illinois Central Railroad Company. These lands had been exempted by the act ceding the land for a certain length of time and upon certain conditions.

[37] *H. J.*, 1913, p. 2162; *H. B.* No. 411. See also City of Chicago v. Gunning System, 214 *Ill.* 628; Sign Works v. Training School, 249 *Ill.* 436.

[38] *Ex. Doc.* June 4, 1907; *H. B.* No. 841.

[39] *S. J.*, 1913, p. 2293; *S. B.* No. 575.

Governor Palmer in disapproving the bill stated that the question whether the Illinois Central Railroad had performed its contract was a judicial one, and promised that he would proceed to have the lands taxed to bring the matter into court.[40]

The second veto of this group grew out of the so-called "tax grab" acts of 1865 and 1869. These acts had authorized the registration of bonds issued for local subscriptions to railroad stock with the state auditor, making it the duty of the proper state officials to collect the taxes raised therefor and pay the interest to the bondholders. In 1875 a bill was passed which provided that the interest should be paid where the bond was issued and that local authorities might at their own option levy the tax to pay it. This was held unconstitutional by Governor Beveridge who believed that both of these provisions altered the original contract.[41]

In 1911 a third bill was considered to violate the obligation of contract. It authorized the authorities of cities and villages to grant special privileges in the public parks to societies or associations organized for charitable, benevolent, educational, or religious purposes, and not for profit. The bill granted power to authorize the construction of pavilions and other structures necessary to carry out their purposes. Governor Deneen in disapproving the bill called attention to the fact that most of the public parks of the state had been dedicated to public use. He held that every citizen of the state has a right to free use and enjoyment of a public park when desired, and that any disposal of parks which would deprive him of it would be void.[42]

The last bill in conflict with the bill of rights to be considered here was passed in 1873. It was a bill to provide for registration of voters and to prevent election frauds. The reasons for the disapproval given by Governor Beveridge were that it restricted the freedom of election guaranteed by section 18 of the bill of rights. In addition he held that it conflicted with paragraph 15 of section twenty-two, article IV, which prohibits special legislation in regard to elections.[43]

The Legislative Department.—Article IV of the constitution, dealing with the legislative department, has accounted for by far the greatest number of bills disapproved on constitu-

[40] *Chicago Tribune*, April 27, 1871; *H. B.* No. 3.
[41] *Ex. Doc.*, April 19, 1875; *H. B.* No. 427.
[42] *Ex. Doc.*, May 29, 1911; *S. B.* No. 409.
[43] *Ex. Doc.*, May 7, 1873; *H. B.* No. 370.

tional grounds during the period 1870 to 1915. Of a total number of eighty-nine constitutional vetoes, fifty-four conflicted with article IV. Sections 13 and 22, dealing with the title and passage of bills and prohibitions on special legislation respectively, caused forty-three bills to be disapproved, the former twenty-two and the latter twenty-one. Eight other sections caused the veto of from one to three bills each.

The twenty-two bills regarded by the governor as conflicting with section 13 of article IV may be further sub-divided into four groups according to the specific provisions involved. One was disapproved because it conflicted with the provision that "every bill shall be read at large on three different days, in each house." The particular bill in question had passed the regular procedure in the senate. In the house of representatives it was advanced to second reading immediately upon being reported from the senate.[44]

Section 13 further provides that "no act hereafter passed shall embrace more than one subject, and that shall be expressed in the title." One bill was disapproved because it included more than one subject. It was passed in 1883 and authorized railroad companies to extend their lines and construct branch lines. In addition it authorized them to buy connecting lines. Governor Hamilton disapproved this bill because he held that the latter provision made it unconstitutional under the provision cited above.[45]

No less than seventeen bills were disapproved because it was held that the subject matter was not expressed in the title. Only a few of the most representative ones will be discussed here. In 1871 Governor Palmer disapproved "an act to repeal the registry law and establish registration in cities, towns, and villages of 5,000 inhabitants or more and in counties having 100,000 inhabitants and upwards." The reason for the disapproval was that the body of the bill added "and in townships and election precincts in which there are any such cities, towns, and villages."[46] In 1893 Governor Altgeld disapproved a bill for "an act to provide for the organization of road districts, etc." He gave as his reason the fact that while in the title it purported to be a new law, in the body it was in fact an amend-

[44] *Ex. Doc.*, April 24, 1899; *S. B.* No. 161.
[45] *H. J.*, 1883, p. 1182; *H. B.* No. 504.
[46] *Chicago Tribune*, April 27, 1871; *H. B.* No. 6.

ment to an existing law.[47] Governor Deneen in 1907 vetoed a bill to repeal "an act in regard to roads and bridges in counties not under township organization," etc. The title of the bill, he said, failed even to attempt to express the subject matter included.[48]

Only one more instance of this class will be noted. This was a bill in 1909 proposing an amendment to "an act to revise the law in relation to sentence and commitment of persons convicted of crime, and providing for a system of parole . . . ." The original act directed the manner of imposing sentence. The proposed amendment by permitting the jury to fix a maximum sentence for certain crimes was thought by the governor to introduce new matter not covered by the title as it stood nor covered by the amended title.[49]

Section 13 further provides that "no law shall be revived or amended by reference to its title only, but the law revived, or the section amended, shall be inserted at length in the new act." Three bills were disapproved as conflicting with this provision. The act of 1871 authorizing the city of Quincy to subscribe $500,000 to the capital stock of the Quincy, Missouri and Pacific Railroad Company has been discussed in connection with bills passed over the veto. It was held to revive an old law by title. Two bills were disapproved by Governor Deneen in 1909 because they amended certain laws by reference merely, not setting forth in full the law as it was to read when amended.[50]

Governor Deneen in 1907 vetoed two bills because they conflicted with section 15 of article IV, which provides that members of the general assembly shall not be eligible for civil appointments during their term of office. Both bills proposed to create temporary commissions for certain purposes composed partly of members of the general assembly.[51]

[47] *Ex. Doc.*, June 22, 1893; *S. B.* No. 109.

[48] *Ex. Doc.*, June 3, 1907; *H. B.* No. 814.

[49] *S. J.*, 1909, pp. 1125, 1175; *S. B.* No. 48. See also *Executive Documents*, April 17, 1899 (*S. B.* No. 32); May 13, 1903 (*S. B.* No. 106); May 13, 1903 (*H. B.* No. 144); May 16, 1905 (*H. B.* No. 594); May 18, 1905 (*H. B.* No. 561); *S. J.*, 1907, p. 1760 (*S. B.* No. 545); *Ex. Doc's.*, June 5, 1909 (*S. B.* No. 731); June 15, 1909 (*S. B.* No. 106); June 15, 1909 (*S. B.* No. 242); June 16, 1909 (*H. B.* No. 470); March 14, 1900 (*H. B.* No. 17); June 8, 1911 (*H. B.* No. 537); *S. J.*, 1915, pp. 1674-1675 (*S. B.* No. 339).

[50] *Ex. Doc.*, June 11 and 15, 1909; *S. B.* No. 377, *H. B.* No. 243.

[51] *S. J.*, 1907, p. 998 (*S. B.* No. 86); *Ex. Doc.*, June 4, 1907; (*H. B.* No. 713).

Sections 17, 18, and 19, dealing with public moneys and appropriations, were involved five times. Three bills were disapproved as conflicting with section 17, which provides among other things that "no money shall be drawn from the treasury except in pursuance of an appropriation made by law." These three bills were all passed in 1909. In each case there was an attempt to make an appropriation without stating the amount definitely. In each case Governor Deneen objected that there was no maximum limit set to the amount sought to be appropriated and that therefore the appropriations were not valid.[52]

Section 18 provides that "each general assembly shall provide for all the appropriations necessary for the ordinary and contingent expenses of the government until the expiration of the first fiscal quarter after the adjournment of the next regular session, the aggregate amount of which shall not be increased without a vote of two-thirds of the members elected to each house. .. . ." One bill was vetoed as conflicting with the latter part of this provision. The extra session of the general assembly in 1910 passed a bill making appropriation to carry on certain state suits. Aside from the fact that the amount appropriated was entirely too small, Governor Deneen pointed out that the bill had not received the required two-thirds vote of the senate.[53]

In 1887 a bill was passed making an appropriation to pay for furnishing the rooms occupied by the appellate court of the first district of Illinois. The preceding general assembly had by joint resolution appointed a committee to provide for the furnishings, but no appropriation had been made. Governor Oglesby in disapproving it called attention to section 19 of article IV of the constitution which provides that "The general assembly shall never . . . authorize the payment of any claim, or part thereof, hereafter created against the state under any agreement or contract made without the express authority of law."[54]

Under the constitution of 1848 the general assembly had gone to extreme excess in the matter of special legislation. The constitutional convention of 1869, therefore, sought to prevent it for the future. In addition to a general provision in section 22 of article IV, providing that in no case shall a special law be

[52] *Executive Documents*, June 15 and 16, 1909; *House Bills*, Nos. 237, 239, 463. See also section 16 of Art. V, amendment of 1884.

[53] *Ex. Doc.*, March 14, 1910; *S. B.* No. 48.

[54] *S. J.*, 1887, pp. 974, 992; *S. B.* No. 230.

enacted where a general law can be made applicable,[55] they included a list of twenty three specific subjects in regard to which special laws could not be passed under any circumstances. Twenty-one bills, eighteen of which came since 1900, were disapproved on account of conflict with some of these specific prohibitions.

Paragraph 6 of section 22 prohibits regulation of county and township affairs by special law. Three bills were disapproved because they were held to be in conflict with this provision. The first was a bill passed in 1871 which proposed to change the time of electing certain officers in Wayne county.[56] The other two were both passed in 1911. One was an amendment to the Juul law concerning the levy and extension of taxes. The bill classified school districts for the purpose of taxation on the basis of their location in counties of certain population, which was held to be unconstitutional.[57] The other bill of this same year was an amendment to the city election law. It allowed judges and clerks of elections in cities located in counties of the third class a compensation of eight dollars per day, while the election officers in the rest of the state would not be entitled to compensation. Governor Deneen in disapproving this bill called attention to the decision of the supreme court in the primary law case of 1910 where the court held that a law constituting one law for Cook county and another for the rest of the state was invalid.[58]

Paragraph 10 forbids the general assembly to incorporate cities, towns, villages, or to change their charters by special act. Governor Beveridge in 1874 disapproved a bill conflicting with this provision. The bill in question proposed to empower the city council in cities of 200,000 inhabitants or more to regulate the price and quality of gas sold within their limits. The governor held that the constitution did not recognize population as a proper basis for the classification of cities and that therefore this was a special act within the meaning of section 22 of article IV of the constitution.[59]

[55]Held to be merely directory. See Owners of Land v. People, 113 *Ill.* 296.

[56]*H. J.*, 1871, pp. 484-486, 585-586; *H. B.* No. 43.

[57]*Ex. Doc.*, June 10, 1911; *S. B.* No. 112.

[58]*S. J.*, 1911, p. 1637; *S. B.* No. 83. See also People v. Election Commissioners, 211 *Ill.* 9.

[59]*Ex. Doc.* April 2, 1878; *S. B.* No. 596. Many acts classifying cities on the basis of population have since been passed, e.g. *Laws*, 1897, p. 99; 1903, p. 97.

Paragraph 23 forbids the general assembly to grant to "any corporation, association, or individual any special or exclusive privilege, immunity or franchise whatever." Twelve bills were disapproved because they conflicted with this provision. One bill was disapproved in 1913, which favored veterans of the Spanish-American and Phillipine wars in the matter of appointment to the civil service.[60] Four were disapproved because they proposed to grant special privileges to corporations. The first was a bill passed in 1887 ostensibly to authorize the incorporation of building and loan associations, while in fact it was a shrewd device to evade the usury laws of the state. It was easy to become a member of the associations, "any needy borrower" might enter. Money might be loaned by the organizations to their members—the highest bidder being favored. It was specifically provided that "no premium, fines or interest on such premiums that may accrue to said corporation under the act shall be deemed usurious, but the same may be collectable as other debts under the laws of the state."[61] In 1909 a bill was disapproved because it granted fidelity and surety companies doing business in Illinois the power to agree upon and fix uniform rates.[62] Two bills were disapproved, the one in 1883 and the other in 1911, because they sought to extend the privileges of certain corporations established under special acts prior to 1870.[63]

Seven bills were disapproved because they proposed to confer special privileges on certain associations. In all cases certain boards were to be created. The objections arose in connection with the manner in which they were to be constituted. In all cases part of the members of the local boards were to be appointed from nominees presented by private associations. Only three of the most representative ones will be discussed here. In 1903 Governor Yates disapproved a bill to provide for the examination and registration of trained nurses, and the regulation of training schools. The chief objection to the bill lay in the manner of constituting the board of examiners. It was to be composed of the secretary of the state board of health and three graduate nurses, appointed by the governor from nominees of the Illinois Association of Graduate Nurses. The gov-

[60] *S. J.*, 1913, p. 2294; *S. B.* No. 471.

[61] *H. J.*, 1877, pp. 829-831; *H. B.* No. 26.

[62] *Ex. Doc.*, June 15, 1909; *H. B.* No. 616.

[63] *H. J.*, 1883, pp. 918-922; *H. B.*, No. 47; *Ex. Doc.*, June 10, 1911 (*S. B.* No. 207).

ernor in vetoing this bill took occasion to protest against the tendency toward "government by societies."[64]

The other two bills of this class were both vetoed by Governor Deneen, the first in 1909 and the second in 1911. The first was "an act to regulate the practice of chiropody in the state of Illinois." It created a state board of chiropody composed of four members appointed by the governor from the nominees presented by the Chiropodists' Society of Illinois. Governor Deneen held that this bill practically conferred the power of appointment upon a private association. He called attention to the fact that in Lasher v. People[65] this had been declared to be a franchise. The act was therefore void.[66] The second was a bill to provide for the purchase and maintenance of Fort Chartres as a state park. The park was to be controlled by a board composed of the governor, the secretary of state, the state regent of the Daughters of the American Revolution, and two other members of that organization.[67]

After the twenty-three specific prohibitions contained in section 22 of article IV, comes a general prohibition that "In all other cases where a general law can be made applicable, no special law shall be enacted." Under this provision much special legislation not specifically forbidden may be prevented. Five bills were vetoed on the general ground that they were special legislation, none of which, nevertheless, could be placed definitely under any one of the twenty-three specific prohibitions. Only two of these bills will be discussed here.

In 1905 "an act to require a stamp or label on every ball of binder twine sold, offered, or exposed for sale within the state of Illinois was disapproved as being special legislation. Governor Deneen held it to be special legislation to single out a special class of dealers for regulation. Two years later he vetoed an act requiring certain employers to provide seats for female employees. It applied to hotels, restaurants, retail, jobbing or wholesale dry goods stores, dealers in notions, etc. The governor objected to the fact that it did not include factories or similar places employing female labor. He expressed appre-

[64] *Ex. Doc.*, May 9, 1903; *S. B.* No. 147.

[65] 183 *Ill.* 226.

[66] *H. J.*, 1909, pp. 1007, 1011; *H. B.* No. 86.

[67] *S. J.*, 1911, p. 1636; *S. B.* No. 154. See also Ritchie v. People, 155, *Ill.* 98; Matthews v. People, 202 *Ill.* 389; *Ex. Doc's.*, May 15, 1903 (*S. B.* No. 158); May 18, 1903 (*S. B.* No. 214); June 14, 1909 (*H. B.* No. 654); June 15, 1909 (*S. B.* No. 414).

ciation of the need of such legislation, but held that it should be done by general law.[68]

A bill providing for a limitation of actions upon official bonds was disapproved in 1907. The bill in question limited the time for bringing actions to five years. No exception was made in cases of fraudulent concealment of violations of bond or absence from the state. Governor Deneen considered this repugnant to section 23 of article IV, which provides that the general assembly shall have no power to release any one from a liability to the state.[69]

Section 28 of article IV provides that "no law shall be passed which shall operated to extend the term of any public officer after his election or appointment." Two bills were disapproved as being repugnant to this section, one in 1873 by Governor Beveridge, the other in 1913 by Governor Dunne. The first was an act to provide for the election of justices of the peace. It was an attempt to displace the old special acts on this subject by a general law. The effect would have been to extend the term of office of justices of the peace in counties under township organization by one year. In the opinion of Governor Beveridge it was better to have an over-supply of justices till the change could be effected than to run the risk of having the act declared void.[70] The second case occurred forty years later. In a bill to amend the school law of the state it was sought to change the time of election of county superintendents. Pending the change it was proposed to extend the terms of those in office from the first Monday in December, 1914, to July 1, 1915.[71]

Section 32 provides that "the general assembly shall pass liberal homestead and exemption laws." An amendment proposed in 1874 to the act concerning roads and bridges in counties not under township organization was deemed oppressive to a large number of settlers. Governor Beveridge disapproved it as violating the "spirit" of section 32.[72]

[68] *Ex. Doc.*, May 18, 1905, (*H. B.* No. 578); June 5, 1907 (*H. B.* No. 757); June 10, 1909 (*H. B.* No. 608); June 16, 1909 (*H. B.* No. 528); *S. J.*, 1913, p. 2296 (*S. B.* No. 558). It must be noted that in Owners of Lands v. People, 113 *Ill.* 296, this provision was held to be directory merely. It is for the legislature to determine whether a general act can be applied, and its decision is not subject to judicial review.

[69] *S. J.*, 1907, pp. 1761-1762; *S. B.* No. 552; People v. Brown, 67 *Ill.* 435.

[70] *S. J.*, 1873, I, p. 413; *S. B.* No. 134.

[71] *H. J.*, 1913, p. 2165; *H. B.* No. 471.

[72] *H. J.*, 1874, II, p. 645; *H. B.* No. 828.

In 1913 a bill for an act to consolidate the various governmental authorities in Chicago was disapproved because in one of its provisions it authorized the annexation of parks upon the approval of a majority of the votes cast on this question. Governor Dunne pointed out that parts of these parks were outside the city limits and that therefore, according to section 34 of article IV of the constitution, it was necessary to gain the consent of the majority of the electors voting on the question in each of the particular districts affected.[73]

The Executive Department.—The veto power was invoked only three times between 1870 and 1915 to protect the executive department against encroachments on the part of the legislative department. The parts of the constitution threatened were sections 8 and 13 of article V. Section 8 provides that the governor may call the general assembly together in extraordinary session, and that they can "enter upon no other business except that for which they were called together." Two bills were passed by the extra session of 1910 conflicting with this provision. They both concerned matters not included in the call.[74]

Section 13 invests the governor with the power to pardon, subject to such regulations as the general assembly may make by law in regard to the manner of applying for pardons, etc. A bill to authorize courts of record to suspend sentences and grant pardons in certain cases was disapproved in 1907 as conflicting with this proivsion. It provided that in case a paroled convict should have kept his parole inviolate for a term of five years the court in question should enter an order for his discharge. Governor Deneen deemed this order of discharge equivalent to a pardon—a power which can be exercised only by the governor.[75]

The Judicial Department.—Six bills were disapproved because they conflicted with article VI on the judicial department. One of these was a bill to amend the law in regard to the courts of Cook county. It authorized the judges of the different grades of courts to exchange places with one another. In the opinion of Governor Cullom this was unconstitutional. He believed that it was the intention of the framers of the constitution in establishing various grades of courts to confine the judges of each grade to their own business.[76] Three bills were returned

[73] *S. J.*, 1913, p. 2290; *S. B.* No. 304.

[74] *S. J.*, 1910, p. 185; *S. B.* No. 3; *Ex. Doc.*, March 12, 1910; *S. B.* No. 44.

[75] *S. J.*, 1907, pp. 1758-1759; *S. B.* No. 421.

[76] *Ex. Doc.*, June 2, 1877; *H. B.* No. 301.

without approval because they proposed to delegate judicial powers to non-judicial officers. The first was an act of 1872 in regard to arbitration.[77] The second was a bill of 1877 authorizing attorneys at law to act as judges in certain cases and with the consent of the parties involved.[78] The third was a bill to provide a method for the removal of encumbrances or cloud upon the title to real estate. It authorized the recorder of deeds to pass upon the validity of claims for the removal of defects of title. Governor Deneen considered this a delegation of judicial power and therefore void.[79] In 1907 a bill was passed in which it was proposed to amend the law in regard to roads and bridges in counties under township organization. The bill was wholly retroactive and proposed to dissolve certain writs of injunction or orders restraining the opening of certain roads under the act to be amended.[80] One bill was disapproved because it was in conflict with section 29 of article VI of the constitution, which requires, among other things, that the jurisdiction of all courts of the same grade shall be uniform so far as regulated by law. One bill in question conferred original jurisdiction upon county courts in counties where probate courts had not been established to supervise and control the testamentary trusts. The effect would be to increase their jurisdiction by so much over the jurisdiction of courts of the same grade in counties where probate courts had been established.[81]

Suffrage—The Ballot.—Section 2 of article VII provides that "all votes shall be by ballot." In 1897 Governor Tanner disapproved a bill authorizing the adoption of voting machines. In his opinion the use of the voting machine was not voting by ballot. In addition he objected to the fact that inasmuch as its adoption was left to the option of the county boards or county commissioners it would lead to a lack of uniformity and confusion.[82] It may be noted that the use of voting machines has since been authorized by law and upheld by the courts.[83]

Education—School Lands.—In 1907 a bill was passed authorizing trustees of schools in any township in counties under

[77] *Ex. Doc.*, April 18, 1872; *H. B.* No. 760.
[78] *S. J.*, 1877, pp. 851-852; *H. B.* No. 389.
[79] *Ex. Doc.*, June 16, 1909; *H. B.* No. 604.
[80] *H. J.* 1907, p. 1820; *H. B.* No. 922.
[81] *Ex. Doc.*, June 9, 1911; *H. B.* No. 660.
[82] *Ex. Doc.*, June 14, 1897; *H. B.* No. 230.
[83] Hurd, *op. cit.*, 1913, pp 1132-1135; Lynch v. Malley, 215 *Ill.* 574.

township organization to provide for the drainage of school lands and to devote the income from the lands in question to this purpose. Governor Deneen in disapproving this bill called attention to section 2, article VIII, of the constitution, which provides that "all lands . . . received for schools . . . and the proceeds thereof, shall be faithfully applied to the objects for which such gifts or grants were made." He considered it clear from the above provision that the income from school lands could not be diverted for other purposes. Though the above consideration formed the main objection to the bill, he believed it might also be held to be unconstitutional as being special legislation within the meaning of section 22 of article IV. In the first place it did not apply to schools in counties not under township organization. In the second place, since school townships coincide with congressional townships and may cross county lines, the act could apply only to such school townships as lay wholly within counties under township organization.[84]

Revenue and Taxation.—Four vetoes were made on account of conflicts with article IX concerning revenue. Three were held to violate section 3, which authorizes the exemption of certain classes of property from taxation. One authorized taxation for what was deemed not a public or corporate purpose. The three conflicting with the exemption provision were passed since 1900. The first was a bill passed in 1907 proposing to exempt the property of fraternal beneficiary societies and associations, not carried on for profit, from taxation. It sought to do this indirectly by authorizing the subtraction of outstanding benefit certificates from the property and cash on hand. Since the outstanding certificates would always exceed the latter amount, there would be nothing left to tax. Governor Deneen disapproved this act on the ground that this class of associations did not come under the exemptions clause of the constitution, and that the general assembly could not do indirectly what it was forbidden to do directly.[85] Two cases arose in 1909. In one an attempt was made to exempt certain property owned by Grand Army posts. It was pointed out in the veto message that this exemption was not authorized by the constitution.[86] The other bill of 1909 was a proposed amendment to the law in regard to cemetery associations. It authorized the setting aside of funds

[84] *S. J.*, 1907, pp. 748; *S. B.* No. 67.

[85] *S. J.*, 1907, p. 1350; *S. B.* No. 428. See also Supreme Lodge v. Board of Review, 223 *Ill.* 54.

[86] *Ex. Doc.*, June 16, 1909; *H. B.* No. 491.

to be administered by trust companies for the purchase and maintenance of burial lots. It authorized the investment of these funds in safe securities, such investments to be exempted from taxation. The governor in disapproving the bill said that while cemeteries came under the exemption clause of the constitution, funds not yet so devoted did not.[87]

Governor Palmer in 1871 disapproved a bill to authorize "cities, villages and incorporated towns to contract for a supply of water for public use, and to levy and collect a tax to pay for water supplied." The governor was of the opinion that the language of the bill would authorize taxation to subsidize a private company. This would conflict with the constitution in that it would not be taxation for public purposes within the meaning of the document.[88]

Counties—Salaries of Officers.—Section 10 of article X of the constitution provides that the county boards (except in Cook county) shall fix the salaries of all county officers. A bill passed in 1909 authorized circuit judges to appoint and fix the salaries of assistant state's attorneys. Governor Deneen disapproved it on the ground that since the constitution does not authorize the general assembly to regulate the salaries of officers in question it could not delegate that power to the circuit judges.[89]

Corporations.—Two bills, both passed in 1889, were disapproved on the ground that they were deemed to conflict with article XI dealing with corporations. The first was a bill to "authorize horse and dummy railways to change their motive power." Governor Fifer believed this to be in conflict with section 4 of article XI of the constitution, which provides that the general assembly shall not authorize the construction or operation of any street railroad in any city, town, or incorporated village without the consent of the proper local authorities. He called attention to the fact that such authorities had the authority to grant the power sought to be conferred by the bill in question. The fact that the promoters of the bill had thought it necessary to ignore the people and apply to a distant legislature was considered an additional reason why the bill should not become a law.[90] The second was a special act "to organize and regulate a state windstorm, tornado, and cyclone mutual

[87] *Ex. Doc.*, June 16, 1909; *S. B.* No. 512.
[88] *H. J.*, 1871, II, pp. 985-987; *H. B.* No. 703.
[89] *Ex. Doc.*, June 15, 1909; *H. B.* No. 697.
[90] *Ex. Doc.*, June 14, 1889; *H. B.* No. 368.

insurance company." This bill was disapproved as conflicting with section 1 of article XI, which forbids the creation of corporations by special acts except in certain well-defined cases.[91]

Canals.—The experience of the state with internal improvements, railroads, and canals led to the adoption of a provision in the constitution of 1870, which, among other things, provided that "The general assembly shall never loan the credit of the state, or make appropriations from the treasury thereof, in aid of railroads or canals: *Provided,* that any surplus earnings of any canal may be appropriated for its enlargement or extension." A bill was passed in 1895 granting aid in promoting the construction of water ways. In addition to unconstitutionality, Governor Altgeld objected that the project contemplated would involve an expenditure which, in his judgment, would exceed fifty million dollars.[92]

Vetoes on Grounds of Policy

Altogether 170 bills were disapproved either wholly or in part on grounds of policy during the period under consideration. Of these 138 were vetoed in full. But for the reasons stated above appropriation bills will be grouped together and considered separately in connection with those vetoed in part.

The fluctuations in the number of policy vetoes during the period from 1870 to 1916 followed closely the fluctuations in the vetoes on constitutional grounds. Governor Palmer disapproved five bills during the legislative session of 1871. Then followed a period of twenty years when the veto power was but little used. Governor Altgeld disapproved twenty bills on grounds of policy during his four-year term from 1893 to 1897, ten during each of the legislative sessions. Consistent and extensive use of the veto power to enable the governor to participate in the formation of state policy does not begin, however, before the opening of the twentieth century. During the legislative session of 1901 Governor Yates disapproved six bills. Since then the vetoes have never fallen below nine during any regular session, running as high as twenty and eighteen during the sessions of 1903 and 1915, resepctively.[93]

In the following discussion of policy vetoes the bills under consideration will be classified under the following nine heads:

[91] *Ex. Doc.,* June 7, 1889; *H. B.* No. 546.

[92] *Ex. Doc.,* June, 1895; *S. B.* No. 457.

[93] For the exact distribution of these vetoes by years see the table at the end of this chapter.

Administration of justice and court procedure, educational and charitable institutions, taxation and revenue, private claims and relief, government boards, cities and incorporated places, parks, Lake Calumet, business and corporations. In addition there were thirty-eight policy vetoes of micellaneous character which it has been found impracticable to classify.

Fourteen bills affecting the administration of justice and court procedure were disapproved. Only the most important will be discussed here. Both Governors Deneen and Dunne disapproved bills making it unlawful to take pictures for "rogues' galleries" until after conviction. Both governors voiced the opinion that it would greatly hamper the administration of criminal justice.[94]

An amendment to the law relating to change of venue was disapproved in 1911. It required judges to grant change of venue upon application verified by the affidavit of the petitioner only.[95] In 1909 Governor Deneen disapproved a bill giving a privileged character to confidential communications made by patients to physicians and surgeons, barring them as evidence in suits. He pointed out that the bill would work special hardship on insurance companies, corporations, and individuals against whom injury suits were made. In many of these cases the statements of physicians or surgeons would be absolutely necessary.[96]

In 1871 "an act to regulate the manner of applying for reprieves, commutations, and pardons," was disapproved. It required that the person suing for pardon should file a petition in writing with the state's attorney in the locality where the crime was committed at least three weeks before it should be presented to the governor in order to give notice to the parties interested in the case. Governor Palmer in disapproving this bill said that many of these persons were old, feeble, and unable to write. There were many cases, he thought, where it was necessary for the governor to take the initiative, which would be impossible under the proposed act.[97]

The general assembly in 1903 sought to amend the parole law and restore the old system whereunder the jury fixed the sentence. Governor Yates disapproved this bill, stating as his

[94]*Ex. Doc.*, June 15, 1909; *H. B.* No. 633; *H. J.*, 1913, p. 1388; *H. B.* No. 492.

[95]*Ex. Doc.*, June 8, 1911; *H. B.* No. 412.

[96]*Ex. Doc.*, June 16, 1909; *H. B.* No. 478.

[97]*S. J.*, 1871, II, pp. 320-323; *S. B.* No. 17.

reason that the indeterminate sentence law seemed to have operated satisfactorily and that at any rate it should not be repealed till it had had a fair trial.[98]

A bill to amend the juvenile court law was disapproved in 1911. Governor Deneen gave as his reason that the effect of the amendment would be "to destroy the exclusive jurisdiction of the juvenile court in this class of cases and permit the trial of cases of dependent, neglected, and delinquent children in courts having general criminal and civil jurisdiction.[99]

Seven bills have been classified under the general head of educational and charitable institutions. Three of these dealt with the common schools. One in 1901 authorizing consolidation of township schools was disapproved because it did not apply to districts of two thousand or more population. In addition it was held objectionable in that it did not provide for transportion of children living within one mile of the school house.[100]

The other two were both amendments to the general school law and both were passed in 1911. The first was a bill to authorize the trustees of schools to dispose of school lands in such manner as they should see fit. It required the lands to be offered for sale at least once every six months. After having been twice offered they might be sold to the highest bidder. Governor Deneen considered this too great a power to be placed in the hands of the trustees.[101] The second authorized boards of education to appoint one or more school nurses to look after the health of the children. But it failed to make proper requirement for qualifications for such positions.[102]

Four bills affecting the charitable institutions of the state were disapproved on grounds of policy. Two of these, both passed in 1883, will be discussed here. They made appropriation for the three state hospitals for the insane, one of them making large appropriations for the enlargement of the southern and northern hospitals. Governor Altgeld in vetoing these bills objected that the institutions were already too large to provide

[98] *Ex. Doc.*, May 18, 1903; *S. B.* No. 481.

[99] *Ex. Doc.*, June 10, 1911; *H. B.* No. 124. For other examples of this class see Executive Documents, June 17, 1889 (*S. B.* No. 114); May 14, 1901 (*H. B.* No. 464); May 11, 1901 (*S. B.* No. 62); May 12, 1903 (*H. B.* No. 170); June 4, 1907 (*H. B.* No. 132); June 6, 1911 (*H. B.* No. 492); *House Journal*, 1913, p. 2160; *H. B.* No. 161.

[100] *Ex. Doc.*, May 13, 1901; *S. B.* No. 165.

[101] *Ex. Doc.*, June 8, 1911; *H. B.* No. 240.

[102] *Ex. Doc.*, June 8, 1911; *H. B.* No. 608.

the best conditions for curing the afflicted persons confined there. While authorities on the subject had placed the maximum which should be admitted to any one institution to obtain the best results at five hundred, he pointed out that there were already from two to four times that number at some of the Illinois hospitals. He felt that it was high time for the governor to set his face against the tendency to enlargement of these institutions.[103]

Ten bills relating to taxation or revenue were disapproved. A number of the most important will be presented here. The first was an act to legalize defective assessments made during the year 1870. It was disapproved by Governor Palmer. The objectionable feature of this bill was a provision to authorize the courts to fix the valuation in cases of protest. The governor believed that the result would be a tendency to nullify the work of the assessors and throw assessments into the courts.[104] In 1893 Governor Altgeld disapproved a bill authorizing cities of thirty thousand inhabitants or more to levy special assessments to provide for street sprinkling. The chief objection was that no limit had been set. Governor Altgeld declared that experience had shown that city officials would rob the people unless their powers of taxation were limited.[105] Two other bills were disapproved on the ground that they did not set proper limits to the taxing power conferred. This was the case with an amendment proposed in 1895 to the general school law. It was objected to as practically removing all limits to taxation for school purposes.[106] The other was an amendment proposed in 1915 to the law authorizing towns and townships to establish parks and parkways. The bill authorized park commissioners to raise the tax rate from one to three mills, and provided no referendum. Governor Dunne admitted the possibility that it might be desirable to raise the tax rate to three mills in some localities. But he was sure it was not desirable in others. His main objection to the bill was the fact that it did not carry a referendum provision.[107] Governor Dunne also disapproved two bills reducing the fees collected under section 31 of the public utilities act. He considered that

[103] *Ex. Doc.*, June 21, 1893; *Senate Bills* Nos. 197, 405. For other cases of this class see *Ex. Doc's.*, May 18, 1905 (*H. B.* No. 330); June 15, 1909 (*S. B.* No. 431).

[104] *Chicago Tribune*, April 27, 1871; *H. B.* No. 543.

[105] *Ex. Doc.*, June 23, 1893.

[106] *Ex. Doc.*, 1895 (June 15); *H. B.* No. 324.

[107] *S. J.*, 1915, p. 1674; *S. B.* No. 274.

it would "materially" and "unreasonably" reduce the revenue derived from that source.[108]

Private relief was denied in eighteen cases. Seven of these were bills making appropriations for the benefit of members of the Illinois national guard "injured while on duty," as was alleged. Six of these were disapproved by Governor Yates, and one by Governor Dunne. In four cases the bills were disapproved because the claims had been rejected by the court of claims.[109] Two bills making appropriations for one J. J. Block to reimburse him for losses sustained by him and to pay the value of horses killed under the direction of the State board of live stock commissioners, were disapproved. The first of these bills was passed in 1903. Governor Yates called attention to the fact that the board of live stock commissioners had made an award to Mr. Block. If the general assembly were to overrule the award made by the state board it would set a bad precedent and open up for a flood of similar claims. Two years later the same bill was presented to Governor Deneen and rejected for the same reason.[110]

Nine private claims of miscellaneous character were disapproved. Only three of the most important will be considered here. The first was a bill passed in 1901 making an appropriation of $28,000 to pay a balance alleged to be due to one William J. Partello for labor and material furnished by him in the erection of certain buildings for the state reformatory at Pontiac. This bill was rejected by Governor Yates on account of the fact that it had not been submitted to the court of claims.[111] The second was a bill making appropriation to pay one B. D. Dawson for services performed by him as one of the assistant clerks of the house of representatives of the thirty-fourth general assembly. Governor Dunne in disapproving this bill called attention to the fact that these services were alleged to have been rendered twenty-eight years earlier. He was of the opinion that this claim

[108] *S. J.*, 1915, pp. 1673, 1674; *Senate Bills* Nos. 108, 347. For other instances of a similar nature see *Executive Documents*, June 22, 1893 (*S. B.* No. 37); May 18, 1905 (*H. B.* No. 51); June 5, 1907 (*H. B.* No. 714); July 5, 1915 (*S. B.* No. 382).

[109] *Ex. Doc.*, May 15, 1903 (*Senate Bills* Nos. 128, 136, 145); May 16, 1903 (*Senate Bills* Nos. 135, 161; *House Bill* No. 402); *H. J.*, 1915, pp. 1390-1391 (*H. B.* No. 493).

[110] *Ex. Doc.*, May 15, 1903 (*S. B.* No. 160); May 18, 1905 (*H. B.* No. 406).

[111] *Ex. Doc.*, May 13, 1901; *H. B.* No. 376.

should have been presented long before and said that he had not in his possession sufficient evidence of the validity of the claim to warrant him in approving it.[112] The third was a bill passed in 1915 making an appropriation of $9,788.66 to the Great Western Serum Company of Chicago for losses of serum sustained by them during the recent foot and mouth epidemic. Governor Dunne in his veto message brought out the fact that this serum had become worthless during a federal investigation into its quality and that the federal authorities had rejected the claim of the serum company for reimbursement.[113]

Governor Altgeld was the first to use the veto power to express disapproval of the tendency to create a multiplicity of governmental boards. In this particular case it was proposed to establish a state board to examine and issue certificates to horseshoers.[114] In 1903 Governor Yates disapproved a bill to create a state board of embalmers. He expressed the opinion that the duties involved in the supervision and control of embalmers could well be performed by the state board of health.[115] Two years later Governor Deneen frustrated an attempt to deprive the state board of agriculture of control and supervision of the matter of issue and registration of pedigrees of pure bred animals. It was proposed to vest the power to issue pedigrees to certain licensed persons and associations.[116]

Five bills affecting cities and other incorporated places were disapproved. A bill to authorize any incorporated place to dissolve itself was disapproved in 1905 because it did not sufficiently guard the interests of creditors.[117] Two bills proposing amendments to the act authorizing annexation of territory were disapproved, one in 1905 and the other in 1907. Neither of these bills protected sufficiently the interests of the people of the territory sought to be annexed. In 1905 the property owners of the territory in question were not even permitted to vote on the

[112] *S. J.*, 1913, p. 2297; *S. B.* No. 610.

[113] *H. J.*, 1915, pp. 1392-1393; *H. B.* No. 885. For other cases of this general class see *H. J.*, 1887, pp. 1202, 1229, 1234 (*H. B.* No. 658); *Ex. Doc's.*, May 16, 1903 (*H. B.* No. 449); June 16, 1909 (*H. B.* No. 472); June 15, 1909 (*H. B.* No. 307); *H. J.*, 1915, pp, 1389, 1390 (*House Bills* Nos. 103, 116).

[114] *Ex. Doc.*, June 24, 1895; *S. B.* No. 464.

[115] *Ex. Doc.*, May 11, 1903; *H. B.* No. 245.

[116] *Ex. Doc.*, May 18, 1905; *S. B.* No. 21.

[117] *Ex. Doc.*, May 18, 1905; *H. B.* No. 308.

question of annexation.[118] In 1907 it was sought to reduce the number of persons in such territory required to sign the petition for annexation from a majority—which should also include a majority of the property owners—to ten per cent of the legal voters. Governor Deneen stated that under this bill it would be possible to annex territory not only against the wishes of the vast majority of the people affected, but also against the wishes of every property owner in the district.[119]

Five bills affecting the Chicago parks were disapproved. Three were bills to authorize the city council to open streets through parks in certain cases. While thus ostensibly it was a general act, it was in fact a proposal to authorize the opening of a street through Humboldt park in Chicago. The first was passed in 1903. Governor Yates disapproved it at the request of the West Park commissioners of Chicago.[120] Two years later a similar measure was disapproved by Governor Deneen. He called attention to the fact that park commissioners have the power to build boulevards or drives through parks. He feared that the construction of streets might cause permanent injury to the parks.[121] In 1911 this proposal came up a third time, and again Governor Deneen disapproved it, for the same reasons which he gave in 1905.[122]

Two bills concerning the submerged lands on the Chicago lake front were disapproved. The first was a bill passed in 1897. It granted the park commissiners of Chicago the right to acquire the lake front and to fill in submerged lands for the purpose of developing parks. The lands involved were of vast extent. There was no limitation placed upon the power to condemn riparian rights. Governor Tanner feared that the grant of this power might endanger the shipping facilities of Chicago, though the bill provided that the project was "not to interefere with the navigation of public waters." At any rate, the park commissioners were not ready to start on the project. He therefore saw no objection to letting the matter wait till some later session of the general assembly.[123] The second was a bill passed in 1905

[118] *Ex. Doc.*, May 18, 1905; *S. B.* No. 232.

[119] *Ex. Doc.*, June 5, 1907; *H. B.* No. 40. For other cases under this general group see *S. J.*, 1913, p. 2297 (*S. B.* No. 283); *H. J.*, 1913, p. 2162 (*H. B.* No. 755).

[120] *Ex. Doc.*, May 12, 1903; *H. B.* No. 126.

[121] *Ex. Doc.*, May 18, 1905; *H. B.* No. 82.

[122] *Ex. Doc.*, June 6, 1911; *H. B.* No. 192.

[123] *Ex. Doc.*, June 11, 1897; *S. B.* No. 364.

ceding the submerged lands in Cook county to the various cities and villages. The governor did not believe that the municipalities in question were ready to utilize the lands sought to be ceded.[124]

At each of the last three sessions of the general assembly a bill relating to Lake Calumet was disapproved. Two authorized the Chicago Sanitary district to construct a harbor in the lake. The first was passed in 1911. Governor Deneen disapproved it because engineers were divided on the question whether an outer or an inland harbor was most desirable. The bill itself postponed the execution of the project at least five years. The cost would vary from seven to eight million dollars. Under these circumstances he thought it best to return the bill to insure further consideration.[125] His successor, Governor Dunne, was confronted with a similar bill in 1913. It was disapproved because it did not propose a concrete plan. There was no provision showing the approximate cost. In addition he urged that the adjacent lands necessary to complete the project should be condemned before the construction of the harbor had enhanced their value.[126] In 1915 the same subject came up in a different form. A bill was passed to amend the so-called O'Connor law relating to harbors and canals. The amendment would have authorized Chicago to reclaim the lake and to dispose of it for city purposes or by lease to private persons. Governor Dunne disapproved it on the following grounds: (1) It surrendered lands of enormous value to the city of Chicago without compensation; (2) it did not sufficiently restrict the power of the city to dispose of the reclaimed land, authorizing a ninety-nine year lease; and (3) it did not sufficiently protect riparian rights.[127]

In regard to business and corporations the veto power was invoked seventeen times during the period under consideration. Four bills in regard to the business of insurance were disapproved. Only two of these will be discussed here. The first was an act of 1893 to compel fire insurance companies to pay the insured in case of loss the total amount of the insurance as shown by the policy. This bill had been passed as a result of a practice to over-insure property. The agents getting their commission

[124] *Ex. Doc.*, May 18, 1905; *S. B.* No. 161.
[125] *Ex. Doc.*, June 10, 1911; *H. B.* No. 506.
[126] *H. J.*, 1913, p. 1873; *H. B.* No. 38.
[127] *Ex. Doc.*, July 5, 1915; *S. B.* No. 295.

on the amount of the insurance written would insure property for much more than it was worth. In case of fire the insurance companies were accustomed to send an adjustor around to attempt by fair means or foul to secure a settlement much below the amount of the insurance actually carried. Governor Altgeld in disapproving this bill expressed the opinon that it was founded on a wrong principle. Insurance should simply enable the insured to return to the same financial conditions as before the fire. Under the proposed bill he would be tempted to over-insure his property and might be in a position to profit by a fire. Experience in other states where similar laws were in force had shown a tendency for fires to increase in number. This had in turn caused a rise in insurance rates. The effect of such laws would be to burden the honest and to enable the dishonest to profit.[128]

An act to authorize life insurance companies to conduct business on the mutual or co-operative plan was disapproved by Governor Dunne in 1915. The objections to this bill were three-fold: (1) It lowered the reserve requirements to about one-half; (2) it did not provide for control by the policy holders to offset the lowered reserve requirements, failing to give them the right to vote or otherwise influence the management; and (3) it was too broad in scope, for under it the companies in question could go into all lines of insurance, whether life, accident, health, or personal casualty insurance, any of which lines are now required to maintain a reserve twice as large as that required of insurance companies under the bill in question.[129]

Eight bills were disapproved because they authorized or encouraged the creation of monopolies. Three of these—one passed in 1891, a second in 1895, and a third in 1909—authorized holding companies. The first authorized corporations, organized or to be organized for mining and manufacturing purposes and furnishing material used in the construction or operation of railroads, to own and hold shares in the capital stock of railroad companies. Governor Fifer objected that there were no limita- set as the amount of stock that might be held by such a corporation nor to the amount of material required to be furnished to railroads to entitle it to the privilege sought to be granted. The phrase "furnish material in the construction or operation of railroads," he held to be simply a cloak to mislead members of the general assembly while the real intention was to authorize a

[128] *Ex. Doc.*, June 24, 1893; *S. B.* No. 94.

[129] *H. J.*, 1915, pp. 1382-1383; *H. B.* No. 718. For other cases of this class see *H. J.*, 1913, pp. 1392, 2163; *House Bills* Nos. 797, 953.

monopoly. The bills of 1895 and 1909 authorized corporations to buy stock in and absorb other corporations engaged in the same line of business. Both Governor Altgeld and Governor Deneen expressed strong disapproval of these attempts to authorize the creation of monopolies.[130]

Governor Altgeld also disapproved four bills passed in 1895 authorizing public service monopolies in Chicago. Two of these dealt with lighting and the other two with transportation. The first of the two light bills provided that before the city council could grant the privilege to lay gas pipes or to string electric wires a petition must be presented signed by the owners of a majority of the land frontage of each block in any street or alley in which it proposed to authorize such privilege. While the bill on its face was designed to prevent the granting of special privileges, Governor Altgeld in his veto message pointed out that the existing Chicago companies possessed charters authorizing them to string wires and lay pipes anywhere. The bill, therefore, was simply an instrument whereby these companies could prevent the establishing of competing concerns. Later in the same session a similar measure, altered so as to require the signature of the owners of the majority of the land frontage for each mile of street instead of each block, as under the first bill, came up again. This was likewise disapproved.[131]

Two complementary bills, the one concerning street railroads and the other concerning elevated railroads, were vetoed by Governor Altgeld in 1895. They authorized the city to grant ninety-nine year franchises. The bill concerning street railroads repealed an existing provision under which the owners of property along a proposed route would be entitled to damages. Both bills provided that a single property owner along a proposed route could enjoin a new company by alleging that the petition necessary was not signed by the required majority of the property owners along the route. They provided that no new company should ever be granted the right to condemn any part or anything pertaining to any existing road. Finally, both bills specifically authorized consolidation of the existing roads. Gov-

[130] *Ex. Doc's.*, June 18, 1891 (*H. B.* No. 336); June 11, 1909 (*S. B.* No. 286); *S. J.*, 1895, p 779; *S. B.* No. 362.

[131] *H. J.*, 1895, pp. 767, 770, 807, 854, 960, 1022, 1107, 1139; *H. B.* No. 618; *Ex. Doc.*, June 24, 1895; *H. B.* No. 801.

ernor Altgeld protested vigorously against these measures designed to create a transportation monopoly in Chicago.[132]

Of the rest of the bills relating to business and corporations only two will be discussed. The first act was passed in 1907 to authorize the incorporation of investment companies—the so-called home cooperative companies. Governor Deneen in his veto message called attention to the fact that these companies had caused a great deal of complaint in other states. They unduly favored the early investors at the expense of those who came in later. The business, he said, depended for its success very largely upon the lapse of payments and consequent forfeiture of rights on the part of late investors. The bill was considered contrary to public policy and an attempt to swindle poor investors.[133]

In 1913 Governor Dunne disapproved a bill to amend the law in relation to corporations. The sole purpose of the amendment was to permit the incorporation of companies organized to do real estate business. The governor in his message of disapproval said, "the policy of the state, for forty years and upward, has been opposed to the granting of such rights to corporations.[134] It will be recalled that Governor Oglesby laid the foundation for this policy by his vetoes of 1867.[135]

There were, in addition to the several sub-classes of policy vetoes discussed above, thirty-four bills of miscellaneous character, which were vetoed on various grounds of policy. Only four will be discussed here. In 1879 Governor Cullom disapproved an "act to protect laborers, miners, mechanics, and merchants." It was an act to prevent the so-called truck system in payment of employees. It forbade companies to pay their laborers in commodities. It even prohibited them from advancing supplies on the credit of the employee's labor, unless a specific contract had been entered into. The governor pointed out the fact that much labor was sold by the month and that the laborer was often in need of advances. If his credit was good he could go anywhere, but if it was not, it would be unjust to prohibit

[132]*S. J.*, 1895, pp. 624, 773, 793, 998-999; *Senate Bills* Nos. 137, 138. See also *Ex. Doc.*, May 18, 1905 (*H. B.* No. 630) for another example under this general class.

[133]*S. J.*, 1907, p. 1756; *S. B.* No. 257.

[134]*S. J.*, 1913, p. 2292; *S. B.* No. 498. For other vetoes see *Ex. Doc's.*, June 22, 1893 (*S. B.* No. 336); May 18, 1905 (*S. B.* No. 116); *S. J.*, 1907, p. 1759 (*S. B.* No. 539).

[135]See Chapter III.

him to obtain credit from his employer, which it was sought to do by the bill in question.[136]

An amendment to the statute of limitations was disapproved by Governor Hamilton in 1883. Among other things the bill extended the statute of limitations to instruments payable on demand, the statute to run from the date on the face of the paper. He called attention to the fact that the most common form of this class of commercial paper was the certificate of deposit. Money on deposit often carried no interest. He considered it unjust that banks which had had the free use of money should be enabled to claim the principal simply because it had not been asked for. He suggested that it would be proper to have the statute run from the date of presentation.[137]

A bill for an employers' liability act was disapproved in 1911. It set aside or modified the old common law defenses of the employer, namely, the defences of (1) contributory negligence, (2) the fellow servant rule, and (3) the assumption of risk. Governor Deneen disapproved of this bill because a workmen's compensation act had been pased by the same session, embodying the results of the work of a commission composed of representatives both of labor and capital. The governor was of the opinion that it ought to be given a fair trial before other laws on the subject were enacted. In addition he pointed out the fact that the employers' liability act was unconstitutional in that it exempted agricultural laborers.[138]

A very interesting case arose in 1913. A bill was passed legalizing certain elections held under the law authorizing the organization of park districts. It provided that such elections held at "indefinite times and places" have been "duly and legally held, and the ballot used thereat is hereby declared to be in due form of law," etc. In addition to being bad policy, Governor Dunne doubted the power of the general assembly to make legal an act or acts that might have violated the constitution as well as existing statutes.[139]

[136] *Ex. Doc.*, June 5, 1879; *H. B.* No. 751.

[137] *Ex. Doc.*, June 25, 1883; *S. B.* No. 52.

[138] *Ex. Doc.*, June 10, 1911; *S. B.* No. 401. See also People v. Butler Street Foundry, 201 *Ill.* 266; Connolly v. Union Sewer Pipe Co., 184 *U. S.* 540.

[139] *H. J.*, 1913, p. 2166; *H. B.* No. 356 . For thirty other examples of this class of miscellaneous policy vetoes see *Executive Documents*, April 18, 1872 (*H. B.* No. 729); June 7, 1889 (*S. B.* No. 114); June 19, 1891 (*H .B.* No. 73); *Senate Journal*, 1893, pp. 872, 895 (*S. B.* No. 205); *Ex.*

Vetoes of Appropriation Bills.

A separate classification of appropriation bills has been thought advisable in order to permit consideration of the veto of such bills in whole or in part. It has been thought desirable to discuss the veto of items in connection with appropriation bills vetoed in full, for the reason that both classes of vetoes have usually been made on grounds of economy. The bills in this general class will be discussed under two general heads: (1) bills vetoed in full and (2) bills vetoed in part.

The following table shows the increase in appropriations made by the general assemblies of Illinois from 1880 to the present time:—

IV. TABLE OF STATE APPROPRIATIONS, 1881-1915

1881-1883 32nd General Assembly	$ 6,605,391.61
1883-1885 33rd General Assembly	7,342,742.03
1885-1887 34th General Assembly	7,776,458.54
1887-1889 35th General Assembly	7,940,412.69
1889-1891 36th General Assembly	7,396,737.30
1891-1893 37th General Assembly	8,757,901.15
1893-1895 38th General Assembly	9,032,514.49
1895-1897 39th General Assembly	10,055,800.41
1897-1899 40th General Assembly	11,178,902.00
1899-1901 41st General Assembly	12,512,113.89
1901-1903 42nd General Assembly	12,773,686.12
1903-1905 43rd General Assembly	15,467,316.00
1905-1907 44th General Assembly	16,165,648.70
1907-1909 45th General Assembly	20,208,146.23
1909-1911 46th General Assembly	20,330,042.29
1911-1913 47th General Assembly	29,540,195.03
1913-1915 48th General Assembly	37,906,593.93
1915-1917 49th General Assembly	46,349,326.17*

*These figures include only the appropriations made by the regular session of 1915.

Doc., June 22, 1893 (*H. B.* No. 24, *S. Bs.* Nos. 173, 364); *S. J.*, 1895, p. 796 (*S. B.* No. 106) *Ex. Doc.*, June 17, 1895 (*H. B.* No. 472); June 24, 1895 (*S. B.* No. 141); June 10, 1897 (*S. B.* No. 297); May 11, 1901 (*H. B.* No. 713); May 14, 1901 (*H. B.* No. 322); May 15, 1903 (*S. B.* No. 156); May 15, 1903 (*H. B.* No. 275); May 18, 1905 (*S. Bs.* Nos. 296, 421); *S. J.*, 1907, pp. 1756-1757 (*S. B.* No. 362); *Ex. Doc's.*, May 22, 1907 (*H. B.* No. 845); May 25, 1907 (*H. B.* No. 65); May 27, 1907 (*H. B.* No. 314); June 3, 1907 (*H. B.* No. 609); June 15, 1909 (*H. B.* No. 320); June 16, 1909 (*H. B.* No. 585); June 10, 1911 (*H. B.*

Appropriation Bills Vetoed in Full.—The rapidly expanding appropriations made by the general assembly since 1900 called forth a series of vetoes on grounds of economy. Seventeen bills were disapproved in full on this ground, all since 1900. Under the forty-third general assembly, when appropriations increased by about $2,694,000 over the appropriations made by the preceding assembly, Governor Yates vetoed six bills in full on grounds of economy. He undertook to reduce the appropriations by about $1,000,000. The veto fell on two bills increasing salaries—one to increase the salaries of certain grades of judges, and the other to increase salaries of members of the general assembly.[140] Two bills vetoed were for public buildings—one to make repairs on the capitol and the other to authorize an improvement at the Western Illinois State Normal School.[141] The two remaining were of less importance—one was an appropriation to purchase a park in Ogle county and the other to build a monument to certain persons killed in the Black Hawk war.[142]

In the forty-fourth general assembly appropriations were increased only $600,000, and Governor Deneen disapproved only two bills in full on grounds of economy. One of these was an act to increase the fees of county officers, the other was a bill to authorize the erection of a monument to the Illinois soldiers fallen on the battlefield of Kenesaw Mountain.[143] During the following general asembly appropriations were increased by over four million dollars. Governor Deneen, anxious to keep down the tax rate, disapproved two bills in full on grounds of economy. One was a bill to appropriate $60,000 to establish a surgical institution for children. The other appropriated $386,000 to the University of Illinois to acquire a building for the Medical College.[144]

During the second term of Governor Deneen, covering the period of the forty-sixth and the forty-seventh general assemblies, 1908-1912, no bills were vetoed either in full or in part on

No. 603); *H. J.*, 1913, p. 2165 (*H. B.* No. 842); *H. J.*, 1915, pp. 1388, 1391-1392 (*H. Bs.* Nos. 199, 565); *S. J.*, 1915, pp. 1673-1674 (*S. B.* No. 139); *Ex. Doc.*, July 5, 1915 (*S. B.* No. 432).

[140]*Ex. Doc.*, May 11, 1903 (*H. B.* No. 195) May 14, 1905 (*H. B.* No. 59).

[141]*Ex. Doc.*, May 16, 1903 (*H. B.* No. 848, *S. B.* No. 436).

[142]*Ex. Doc.*, May 16, 1903 (*House Bills* Nos. 426, 751).

[143]*Ex. Doc.*, May 18, 1905 (*House Bills* Nos. 154, 188).

[144]*S. J.*, 1907, p. 1755 (*S. B.* No. 120); *Ex. Doc.*, June 4, 1907 (*H. B.* No. 4).

grounds of economy. This is not strange during the period of the forty-sixth general assembly, as that body appropriated only about a hundred thousand dollars more than the preceding assembly. But the forty-seventh general assembly more than offset this tendency to economy, for it appropriated $29,540,195.03—or over nine million dollars more than its predecessor. Since then appropriations have increased by similar amounts, rising to $37,906,593.93 in 1913 and to $46,349,326.17 in 1915.

Governor Dunne also attempted to keep appropriations down by means of the veto. Most of this was done by disapproving items in appropriation bills, which will be discussed later in this chapter. During 1913 he disapproved five bills in full on grounds of economy. None of these were of any great importance, however, from the standpoint of the amount of money saved. One was a bill to authorize the purchase of the Logan home.[145] Two were bills making small appropriations for the support of the Illinois farmers' institutes.[146] Two were bills making appropriations for legislative commissions of investigation, both of which the governor thought were not essential.[147] In 1915 a bill authorizing the centralization in the state historical library of the returns of elections held prior to 1870 was disapproved on account of the expense involved.[148] A second bill was disapproved in 1915. It provided for the payment of $1200 to incorporated soil and crop improvement associations in each of the 102 counties in the state. This might have involved a heavy drain on the treasury. Governor Dunne in disapproving it called attention to the heavy appropriation already incurred for agricultural purposes on account of the foot and mouth disease.[149]

Appropriation Bills Vetoed in Part.—It is a remarkable fact that although the power to disapprove items in appropriation bills had been granted the governor in 1884 only one instance of its use occurred before 1903, namely, in 1899. In that year

[145] *H. J.*, 1913, p. 2163; *H. B.* No. 401.

[146] *H. J.*, 1913, pp. 2161, 2166; *House Bills* Nos. 339, 437.

[147] *H. J.*, 1913, p. 2164; *H. B.* No. 838; *S. J.*, 1913, p. 2296; *S. B.* No. 677.

[148] *H. J.*, 1915, p. 1389; *H. B.* No. 494.

[149] *H. J.*, 1915, p. 1397; *H. B.* No. 26.

Governor Tanner disapproved eight items in the university appropriation bill. The appropriations vetoed amounted to $99,166.61, and were to have been devoted mainly to the acquisition of land, the construction of buildings, and the purchase of equipment.[150]

Since 1903 the number of bills disapproved in part has had a tendency to increase, running from four to six for each general assembly. However, during Governor Deneen's second term, 1908-1912, no financial vetoes of any sort were made. In 1915 Governor Dunne disapproved ten bills in part.

The number of items disapproved is of more significance than the number of bills affected. They show a great deal of variation, running as low as eight and nine in 1899 and 1907, respectively, and as high as seventy-six and eighty-six in 1913 and 1915, respectively.

There is a close relation between the growth of this phase of the veto power and the growing expenditures of the state. A glance at the table above will show that while appropriations almost doubled between 1880 and 1900, they increased almost four-fold between 1898 and 1915. Under the forty-first general assembly, where expenditures ran up by something over $1,250,000, Governor Tanner reduced the appropriations by a little over $99,000. Under the following general assembly there was little increase and no vetoes. Under the forty-third there was a marked increase again, and during that session Governor Yates vetoed items amounting to a little over $192,000.[151]

Governor Deneen during his first term made vigorous efforts to reduce expenditures by means of the veto power. Appropriations of over $17,000,000 were reduced very materially by vetoing items carrying appropriations of something over $845,000.[152] During the following biennium appropriations of over $21,500,000 were reduced to something over $20,200,000. Items amounting to $632,500 were disapproved.[153] But while Governor

[150] *Laws*, 1899.

[151] Governor Yates also reduced the appropriations of that year by vetoing bills in full carrying about $805,000. It will be recalled that he set out to reduce appropriations by about $1,000,000.

[152] See *Laws*, 1905 for appropriation bills vetoed in part. Besides the $845,930 indicated above, Governor Deneen slightly reduced the appropriations by vetoing two minor bills in full.

[153] See *Laws*, 1907; *S. J.*, 1907, pp. 1754, 1755, 1757, 1759. In addition, appropriations were reduced by something over $751,000 on account of bills vetoed in full on grounds of economy.

Deneen had cut appropriation bills heavily during his first term, he did not reduce them by a single dollar during his second. Under the forty-sixth general assembly there was less need for this, for it had increased appropriations but slightly over $120,000. In the next biennium, however, an increase of over $9,000,000 took place.

During the following four years, under Governor Dunne's administration, appropriations continued to mount at an unprecedented rate. Items amounting to $1,040,000 and $1,925,000 were vetoed in 1913 and 1915, respectively.[154]

The appropriations vetoed, with the exception of two small items aggregating less than $12,000, may all be classified under six great heads:

(1) Appropriations to higher educational institutions. This includes appropriations to the university and to the state normal schools. It will be recalled that the first use of the veto power to disapprove items in appropriation bills was made by Governor Tanner against the university. A total of $772,000 has thus been disapproved, about $320,000 of which have been university appropriations.[155]

(2) Appropriations to charitable and reformatory institutions. The total disapproved was something over $1,243,000. From 1903 to 1915, except during Deneen's second term, when there were no such vetoes, the amounts thus disapproved varied considerably, running as high as $482,150 in 1905, and as low as $79,707.76 in 1915.[156]

(3) Appropriations to the Illinois national guard were reduced by $286,280 during the four regular sessions of the general assembly held in 1905, 1907, 1913 and 1915. During the last four years the items vetoed have been appropriations made for armories and sites.[157]

(4) State aid to agriculture. This class of appropriations was reduced by $283,750 in the years 1905, 1907 and 1915. Most

[154] *Laws*, 1913, p. 29; *H. J.*, 1913, pp. 2156, 2160, 2161, 2166; *S. J.*, 1913, p. 2297; *H. J.*, 1915, pp. 1383-1394; *S. J.*, 1913, p. 1675.

[155] *Laws*, 1899; *Laws*, 1903, pp. 59, 60, 63; *Laws*, 1905; *Laws*, 1907; *S. J.*, 1913, p. 2297; *H. J.*, 1915, pp. 1386-1387.

[156] *Laws*, 1903, pp. 30 ff.; *Laws*, 1905; *Laws*, 1907; *S. J.*, 1907, p. 1754; *H. J.*, 1913, p. 2161; *H. J.*, 1915, p. 1391.

[157] *Laws*, 1905; *Laws*, 1907; *H. J.*, 1913, p. 2166; *H. J.*, 1915, pp. 1389, 1675.

of these items were for improvements on the state fair grounds.[158]

(5) State aid to public roads. The total amount disapproved has been $1,050,000. In 1913 an appropriation of $300,000 for each of the years 1913 and 1914 was cut in half. In 1915 Governor Dunne vetoed the whole appropriation made for this purpose on the ground that there was $600,000 unexpended money for this purpose in the treasury which had been re-appropriated.[159]

(6) General appropriations for the state government. Vetoes of items of these bills are of recent occurrence. The total amount vetoed has been $1,087,800. Of this only $35,000 was before 1913. The appropriations for the various departments, boards, and commissions, evidently made on the basis of liberal estimates by the officials themselves as to their own needs, were materially reduced by Governor Dunne. The total amount vetoed in 1913 was $244,650.[160] In 1915 items of this class amounting to $808,150 were disapproved. Of the latter amount the veto of $384,000—an appropriation for increased salaries of the judges of the supreme and superior courts—was explained by the fact that the bill authorizing the increase in salary had failed to pass.[161]

The amendment of 1884 authorizes the governor to veto "distinct items" in appropriation bills. This power was gradually interpreted so liberally by the governor as to include the power to reduce distinct items. This was done in two ways: (1) by disapproving the phrase "per annum" in appropriations running for more than one year, and (2) by the outright reduction of items. The first instance of the reduction of an item by the governor of Illinois took place in 1907. A bill making appropriations for certain charitable institutions was disapproved in part. In an item "for improvements of grounds and farm, $10,000 per annum; $20,000," Governor Deneen disapproved "Item: $10,000 for the second year of the biennial period."[162] There were no other instances of this use of the veto power in 1907.

It will be recalled that Governor Deneen did not veto any appropriation bills during his second term, 1908-1912. Not

[158] *Laws*, 1905; *S. J.*, 1907, p. 1757; *H. J.*, 1915, pp. 1389, 1393.
[159] *H. J.*, 1913, p. 2160; *H. J.*, 1915, pp. 1393-1394.
[160] *H. J.*, 1913, p. 2156.
[161] *H. J.*, 1915, pp. 1383-1388.
[162] *S. J.*, 1907, p. 1754.

till 1913, therefore, did the practice of reducing items in appropriation bills recur. Governor Dunne, during the legislative session of 1913, cut several appropriations in half by disapproving the phrase "per annum."[163] This practice was continued to still greater extent in 1915.[164] In addition, in the latter year, he reduced outright a large number of important appropriations. The method employed will be illustrated by the following example: In "an act making appropriation of additional sums for the completion of armories now under construction" a reduction was made by the governor. In his message of disapproval he said, "In section 1, item: 'Eighth Infantry Chicago, $75,000.00,' I approve this item in the sum of $60,000 and veto and withhold my approval of all the sum in said item in excess of $60,000."[165] Many similar reductions were made during the same session.[166]

In the case of Fergus v. Russel decided by the supreme court of Illinois in December, 1915, both of these practices were held unconstitutional. The court held that the legislature has the right to determine the amount of money to be appropriated. The governor can only approve or disapprove. This power carries no right to reduce an item by disapproving the words "per annum" or approving a portion of an item and disapproving the remainder. The court did not define the words "item" and "section," evidently not regarding it necessary in order to reach a decision in the case before them. Justice Cooke, who delivered the opinion said: "We think it clear that the power given the governor by the constitution to disapprove of and veto any distinct item or section in an appropriation bill does not give him the power to disapprove of a part of a distinct item and approve the remainder. To permit such a practice would be a clear encroachment by the executive upon the rights of the legislative department of the state."[167] On the other hand, the contention

[163] *H. J.*, 1913, pp. 2156 ff.

[164] *H. J.*, 1915, pp. 1383-1386, 1389 ff.

[165] *H. J.*, 1915, p. 1389; *Laws*, 1915, p. 91.

[166] *H. J.*, 1915, pp. 1383-1386, 1391; *S. J.*, 1915, p. 1675; *Laws*, 1915, pp. 200 ff.

[167] Fergus v. Russell, 270 *Ill.* 304, 348. In the Pennsylvania case where the court upheld the power of the governor to reduce items, the facts in the case, as distinguished from abstract principles of constitutional law, may have had a good deal of influence on the decision. It appears that the appropriation bill in question was not sufficiently itemized. Com. v. Barnett, 199 *Pa.* 161.

of the counsel for Mr. Fergus that the effect of an attempt to reduce items would operate to veto the whole item was not upheld. The court held that since the attempted veto was unconstitutional the whole amount should be permitted to stand.

Vetoes of Defective Bills

The term defective has been considered broadly as in the preceding chapters. It includes, in addition to the bills defective in drafting, bills carrying conflicting provisions as well as ineffective and superfluous legislation. During the period under consideration, thirty-eight bills were disapproved on account of defectiveness. Of these only six were disapproved before 1900, not more than one such bill having been returned to any one general assembly. Since 1900 vetoes of this kind have increased in number, especially after 1904. Each general assembly has had one or more vetoes on this ground. The highest number reached was in 1909 when eight were returned on acount of defectiveness.

Seven bills were disapproved because serious errors had been made in drafting them. Only three examples will be discussed here. In 1905 an amendment to the law regarding assessment of property was disapproved because the title of the bill referred to certain sections not found in the law.[168] Two years later an amendment to the act creating the Chicago sanitary district was disapproved. The title of the bill was "An act to amend . . . 'an act to create sanitary districts and remove obstacles in the Des Plaines and Illinois rivers,' " etc. The bill was disapproved because it did not accurately describe the original act, the title of which had the word "to" before the word "remove" and carried the word "obstructions" instead of "obstacles" as in the proposed bill.[169] In 1911 a bill to amend the law relating to drainage districts was disapproved because about three lines of the bill as it had passed the house of representatives had not been acted upon by the senate. It was considered, therefore, that the houses had not acted on the same bill.[170]

Seven bills have been classed as conflicting legislation, either

[168] *Ex. Doc.*, May 18, 1905; *H. B.* No. 489.

[169] *S. J.*, 1907, p. 412; *S. B.* No. 83.

[170] *H. J.*, 1911, p. 1499; *H. B.* No. 575. For five other bills of this class see *Ex. Doc.*, May 11, 1901 (*S. B.* No. 219); May 18, 1905 (*S. B.* No. 179); May 27, 1907 (*H. B.* No. 60); *H. J.*, 1913, p. 2164 (*H. B.* No. 709).

because they carried mutually conflicting provisions or conflicted with existing laws or bills passed by the same general assembly. Three representative cases will be discussed. In 1907 an amendment to the law relating to assessments was disapproved. The existing law required the board of review to meet on the third Monday in June and adjourn on or before September 7th. The bill in question proposed to grant the county judges until July 1st to make the appointments of two members from each county to serve on the board.[171] In 1915 Governor Dunne disapproved an amendment to the assessment law and the law concerning fees and salaries, respectively. The two bills carried conflicting provisions. Since the governor was not sure what the general assembly intended he disapproved them both.[172]

Under the head of ineffective legislation have been placed five bills which for one reason or another would have proved inadequate for the purposes for which they were enacted. Only two, passed in 1909, will be discussed here. The first was an act to protect gravel and macadam roads, in which it was sought to regulate the weight of load—including wagon—that might be hauled on such roads at certain seasons of the year. For this purpose wagons were roughly classified according to width of the tire, and arbitrary maximum loads were authorized for each class. The bill would have tended to defeat its own purpose. The governor pointed out that while the ratio of the weight of the load to the width of the tire is the true criterion, this bill would actually have authorized a heavier load per inch width on narrow tired wagons than on those with wider tires.[173] The second bill was an attempt to provide a pension fund for employees in houses of correction in cities of fifty thousand or more inhabitants. It authorized such employees to pay into the fund two per cent of their annual salaries, and entitled them after twenty years' service to a pension of $480 per year. It provided for no other income for the fund. Governor Deneen pointed out that on the basis of the highest salaries paid such employees a two per cent payment to the fund would not yield more than twenty-four dollars annually. That would amount to a total maximum payment in twenty years of $480 besides the accumulated inter-

[171] *Ex. Doc.*, May 20, 1907; *H. B.* No. 699.

[172] *S. J.*, 1915, p. 1672; *Senate Bills* Nos. 7, 39. For other examples of this class see *H. J.*, 1889, p. 459 (*H. B.* No. 232); *Ex. Doc's.*, June 3, 1879 (*S. B.* No. 106); May 18, 1905 (*S. B.* No. 225); June 7, 1911 (*H. B.* No. 297).

[173] *Ex. Doc.*, June 15, 1909; *H. B.* No. 45.

est. The payment of a $480 annual pension would, therefore, be impossible.[174]

Nineteen bills have been classed as superflous legislation. Five of these were disapproved because they were exact duplicates of other bills passed by the same general assembly and approved by the governor.[175] Eleven others were considered superflous because the subject matter had been dealt with more satisfactorily by other bills passed at the same session of the general asembly.[176] Three were disapproved because they were regarded as unnecessary, existing laws being regarded sufficient for the purposes sought to be accomplished.[177]

[174]*Ex. Doc.*, June 15, 1909; *S. B.* No. 226. For other examples of this class see *Executive Documents*, April 24, 1899 (*H. B.* No. 775); June 16, 1909 (*H. B.* No. 186); June 6, 1911 (*H. B.* No. 33).

[175]*Executive Documents*, May 26, 1877 (*H. B.* No. 25); June 19, 1893 (*S. B.* No. 199); May 11, 1901 (*H. B.* No. 413); May 15, 1903 (*H. B.* No. 220); *S. J.*, 1913, p. 687 (*S. B.* No. 197).

[176]*H. J.*, 1874, p. 301 (*H. B.* No. 336); *H. J.*, 1879, p. 852 (*H. B.* 272); *Ex. Doc.*, June 3, 1907 (*H. B.* No. 317); June 12, 1909 (*H. B.* No. 474); June 15, 1909 (*H. B.* No. 74); June 15, 1909 (*H. B.* No. 701); June 16, 1909 (*S. B.* No. 244); June 16, 1909 (*H. B.* No. 381); *S. J.*, 1911, p. 1637 (*S. B.* No. 417); *Ex. Doc.*, June 14, 1912 (*S. B.* No. 8); *H. J.*, 1915, p. 1389 (*H. B.* No. 561).

[177]*Ex. Doc.*, June 2, 1879 (*S. B.* No. 243); May 18, 1905 (*H. B.* No. 550); *S. J.*, 1913, p. 2291 (*S. B.* No. 330).

V. TABLE SHOWING THE NUMBER AND DISTRIBUTION OF BILLS VETOED, THE ACTION TAKEN UPON VETOES, THE REASONS FOR DISAPPROVAL, AND THE NUMBER OF LAWS ENACTED, 1870-1915.

Governor	Assembly	Laws enacted	Vetoes			Time of Veto		Action on veto			Reasons for veto			
			Number	H. Bills	S. Bills	During session	After adj'm'nt.	Passed over	Amended	Dropped	Const.	Policy	Appr'ns.	Defective
Palmer	1870-72	241	11	8	3	4	7	1	0	10	6	5		0
Beveridge.	1872-74	149	5	3	2	3	2	0	0	5	4	0		1
	1874-76	89	1	1	0	0	1	0	0	1	1	0	Amendment adopted 1884	0
Cullom	1876-78	163	5	5	0	2	3	0	0	5	4	0		1
	1878-80	203	4	2	2	1	3	0	0	4	0	3		1
	1880-82	130	0	0	0	0	0	0	0	0	0	0		0
Hamilton	1882-84	115	3	2	1	2	1	0	0	3	2	1		0
Oglesby ..	1884-86	114	0	0	0	0	0	0	0	0	0	0	0	0
	1886-88	199	2	1	1	2	0	0	0	2	1	1	0	0
Fifer	1888-90	166	5	3	2	1	4	0	0	5	2	2	0	1
	1890-92	164	2	2	0	0	2	0	0	2	0	2	0	0
Altgeld	1892-94	111	12	2	10	1	11	0	0	12	1	10	0	1
	1894-96	182	11	4	7	5	6	1	0	10	1	10	0	0
Tanner	1896-98	192	3	1	2	0	3	0	0	3	1	2	0	0
	1898-00	176	4	2	2	0	4	0	0	4	2	0	1	1
Yates	1900-02	179	8	4	4	0	8	0	0	8	0	6	0	2
	1902-04	209	30	15	15	0	30	0	0	30	5	20	4	1
Deneen	1904-06	217	28	18	10	0	28	0	0	28	4	14	5	5
	1906-08	279	33	18	15	5	28	0	1	32	11	12	6	4
	1908-10	239	44	29	15	3	41	0	0	44	27	9	0	8
	1910-12	274	23	13	10	1	[1]22	0	0	23	9	9	0	5
Dunne	1912-14	218	30	19	11	2	[2]28	0	0	30	7	14	6	3
	1914-16	293	33	21	12	0	[3]33	0	0	33	1	18	10	4
Totals		4302	297	173	124	32	265	2	1	294	89	138	32	38

[1]Of these five were vetoed during the recess from May 19 to May 31, 1911. *S. J.*, pp. 1635 ff.; *H. J.*, pp. 1495 ff.

[2]Of these twenty-seven were made during the recess from June 20 to June 30, 1913. *S. J.*, pp. 2290-2298; *H. J.*, pp. 2156-2167.

[3]Of these thirty were made during the recess from June 19 to June 30, 1915. *S. J.*, pp. 1671 ff.; *H. J.*, pp. 1381 ff.

CHAPTER V

SUMMARIES AND CONCLUSIONS

The Veto Power Under the Three Constitutions.—The veto power in Illinois has passed through three stages. Under the constitution of 1818 the governor and the judges of the supreme court were constituted a council of revision. A bill passed by the general assembly was required to be laid before the council for revisal and consideration where a majority could approve or disapprove it. If disapproved the reasons were to be stated in writing and returned together with the bill to the house in which it had originated. The houses of the general assembly were then to reconsider the bill and might repass it by a majority vote of the total membership elected to each house. The council was allowed ten days for the consideration of bills. If they were not returned within the ten-day period, they were to become effective without approval. If the general assembly by adjournment should prevent their return within the ten-day period, the bills disapproved after adjournment were to be returned to the general assembly at its first meeting after such adjournment or become law.

The council of revision lasted for thirty years. During that time the veto power was used extensively and on the whole effectively. The council disapproved of 104 bills, while 3158 were enacted into law. For the whole period the bills disapproved averaged about three and a third per cent as compared with the number of laws enacted. The percentage fell as low as one in 1833 and ran as high as eighteen in 1827.

While one hundred and four bills were disapproved only eleven, or about ten per cent, were passed over the veto. Nor were any of these bills of any importance. They were rather petty measures, the repassage of which tended to the discredit of the general assembly.

The veto messages were constructive. Often the council would suggest amendments. The result was that in the case of two-thirds of the bills disapproved amendments were adopted which proved acceptable to the council of revision.

In the constitution of 1848 the council of revision was abolished. The veto power, otherwise unchanged, was given to the

governor alone. It was used sparingly until 1869. Up to that time, also, only two bills were passed over the veto. The legislative session of 1869 was marked by a crisis in special legislation. During that session Governor Palmer disapproved seventy-two bills, seventeen of the most important of which were passed over the veto.

During this whole period 7510 laws were enacted, by far the larger number of which were special acts. Exactly one hundred, or one and a third per cent, were disapproved. Of the hundred bills disapproved nineteen, or almost twenty per cent, were passed over the veto. On the other hand, only two were amended. Moreover, the billls passed over the veto were, on the whole, the most important, and many were extremely objectionable. Among the most important were the following: The banking act of 1851, the Chicago street railway act of 1865, the Chicago lake front act of 1869, five acts authorizing unorganized communities to subscribe to railroad stock—the so-called "tax grab" acts—discriminating in regard to taxation in favor of communities that had subscribed to railroad stock. When the real test came the suspensive veto had been found inadequate. In the face of the general assembly of 1869 the governor was unable in many cases to force even a consideration of his veto messages.

The constitutions of both 1818 and 1848 provided that if any bill should be disapproved after adjournment the governor should return the veto to the next session of the general assembly or the bill was to become law. This provision proved of no importance. Under the constitution of 1818 three bills were vetoed in this manner. None were passed over the veto. Only one of the three was amended. Under the constitution of 1848 ten were returned, none of which were amended or passed over the veto. This provision had proved of so little importance that it was not included in the constitution of 1870.

Under the constitution of 1870 the veto power has been really effective. The vote required to override the governor's disapproval was raised to two-thirds of the total membership of each house of the general assembly. Instead of requiring that the vetoes made after adjournment should be returned to the next meeting, they were to be filed in the office of the secretary of state. A definite time of ten days is allowed for the consideration of bills after adjournment as well as during the session.

Up to 1900 the extent of the use of the veto power was about the same as under the constitution of 1848. The number of bills

disapproved during any session of the general assembly rarely numbered half a dozen—in only one case did they reach a dozen. But beginning with Governor Yates a new era of the veto power was entered upon. Since 1900 the number of bills disapproved at each general assembly has, more than half of the time, run as high as thirty or above. At one session it ran as high as forty-four.

In comparison with the number of laws enacted the present veto power is equally conspicuous. While three and one-third per cent of the bills enacted were disapproved under the council of revision, and one and one-third under the suspensive veto of 1848, seven per cent of the bills enacted between 1870 and 1916 have been disapproved. But if we take the period from 1900 to 1916 the percentage runs as high as twelve out of every hundred.

From the point of view of the effectiveness of the veto power still more striking facts appear. Under the first constitution one-tenth of the bills disapproved were passed over the veto. Under the second constitution this number rose to one-fifth. But under the constitution of 1870 only two laws have been enacted in spite of the governor's disapproval. It may almost be said, therefore, that the veto power under the constitution of 1870 is absolute.

Although it has proved practically impossible to pass a bill over the disapproval of the governor, no serious abuse of the veto power has ever occurred. There have doubtless been a number of cases where one might justly question the wisdom of a particular veto. But there is no doubt that the governors of Illinois have, on the whole, exercised the veto power conscientiously, that they have merited the confidence of the people, and that the people expect them to exercise independent judgment on measures presented for their approval. On the other hand, there are literally scores of instances where the general asembly has betrayed the interests of the poeple.

Under the constitutions of 1818 and 1848 the vetoes made after adjournment had proven few and unimportant. Instead of requiring vetoes made after adjournment to be returned to the following session of the general assembly as before, the constitution of 1870 gave the governor ten days to consider bills left in his hands after adjournment, and provided that the vetoes made during that time should be filed with the secretary of state. The ten-day period thus granted has proved wholly inadequate. The greater number of bills are now passed within the

last ten days of the session.[1] Many of the bills passed late in the legislative session are of great importance. In spite of the fact that he makes use of the various state officers and every other trustworthy source of aid in the consideration of these bills, the governor is really overloaded. He should have not less than twenty days after adjournment to consider bills—preferably thirty, as in New York, Pennsylvania, Delaware, Iowa, Missouri, Colorado and California.

In connection with this point it may be noted that whereas there were very few vetoes made after adjournment under the two earlier constitutions, the reverse has been true under the present. The proportion of bills disapproved during the session of the general assembly has steadily decreased. During the first twenty-two years, of the period under discussion forty per cent were disapproved during the session. During the last twenty-four years, from 1892 to 1916, the proportion fell to six and one-half per cent. If we take the period since 1900 it is still lower, namely, four and one-half per cent. In other words, as the situation is today, for every five vetoes the governor makes during the session of the general assembly he will make ninety-five after its adjournment. In each case he has ten days. The time granted is adequate during the legislative session. But it is inadequate for the consideration of bills left in the hands of the governor after adjournment. The task of considering bills preparatory to approval or disapproval is of sufficient importance to warrant the adoption of a constitutional provision giving the governor thirty days after the adjournment of the general assembly.

Reasons for Disapproval.—Turning from the veto provisions of the three different constitutions, the extent of their use, and their general effectiveness, we may now attempt to summarize the use of the veto power from 1818 to 1916 on the basis of the reasons assigned for the vetoes. For this purpose the general classification of the vetoes heretofore used, namely, vetoes on constitutional grounds, vetoes on grounds of policy, and vetoes of defective bills, will be continued.

Contrary to the older conception of the function of the veto power, it has rarely been used to protect the executive and judicial departments against encroachments on the part of the legislature. During the whole period from 1818 to 1916, 155 bills were disapproved on constitutional grounds. Of these only fifteen can be classified as attempted encroachments by the general

[1]Governors' Conference, 1913, *Proceedings*, p. 271.

assembly upon the other two departments.. Eight were encroachments upon the executive department. Most of the cases arising before 1848 were attempts to interfere with the governor's power of appointment. In nearly all cases they were attempts to fill appointive positions by legislative act. Under the constitution of 1848 there were no vetoes of this class. Since 1870 only three cases have arisen, all since 1900. Two were attempts to pass legislation at the special session of 1910 on subjects not included in the call. The third was an attempt to interfere with the pardoning power by authorizing judges to pardon in certain cases.

Of seven bills regarded as encroaching upon the judiciary, only one was passed prior to 1870. It was an attempt to elect probate judges annually by the general assembly, though the constitution provided that judges should hold during good behavior. Six were passed under the constitution of 1870. Three were attempts to delegate judicial power to non-judicial officers or bodies. In one case it was attempted to dissolve certain writs of injunction by legislative act.

On the other hand, the veto power has been frequently used to prevent what in the opinion of the governor would have been unconstitutional use of the legislative power in other respects. Only a few of the more conspicuous groups of vetoes of this class will be summarized. Ten cases of conflict with the national constitution and laws were prevented, seven during the period 1818 to 1848, one from 1848 to 1870, and two since 1870. There were thirteen cases of conflict with the bill of rights under the constitution of 1818, and twelve with the bill of rights under the consituation of 1870. The cases arising under the constitution of 1818 were mainly attempts to dispose of property by legislative acts, usually private property, by authorizing heirs or administrators to act. The twelve cases arising since 1870 were mostly cases in relation to private property, generally involving the "due process of law" clause.

Under the constitution of 1848 over thirty vetoes grew out of the practice of granting public aid to private undertakings. Some of the bills disapproved favored certain property or communities in regard to taxation. Especially noteworthy are the so-called "tax grab" acts, which favored communities that had subscribed to railroad stock at the expense of other communities which had not done so. Others authorized taxation for other than public purposes. A large number were disapproved because they authorized unorganized communities to subscribe to railroad stock.

Of the large number of vetoes on constitutional grounds since 1870, besides the twelve cases affecting the bill of rights already referred to, it is desired to call attention to two large groups of vetoes both falling under article IV, dealing with the legislative department of the government. The first class is composed of twenty-two cases affecting section 13, dealing with legislative procedure and forms. In one case the requirement that bills shall be read three times on three separate days in each house had not been complied with. In another case the bill dealt with more than one subject. In three cases there were attempts to revive or amend laws by reference to title only. In seventeen cases it was thought that the subject matter of the bills was not adequately expressed in the title.

Section 22 of article IV of the constitution of 1870 prohibits twenty-three classes of special legislation. Twenty-one bills have been disapproved because they conflicted with this section. Three cases were attempts to regulate county and township affairs by special acts. In one case an attempt was made to amend a city charter. Twelve bills would have conferred special privileges upon certain corporations, associations, or individuals. In half a dozen cases bills were vetoed on the ground that a general act could deal with the subject.

While a large number of bills were disapproved between 1870 and 1916, nevertheless a great deal of unconstitutional legislation was passed. Between 1870 and 1913, 257 acts of the general assembly were declared unconstitutional by the supreme court of Illinois.[2] Conceding that a large number of the earlier ones were probably passed before 1870, there would still be a great number left. It may be expected, however, that a smaller amount of unconstitutional legislation will be passed in the future. It is not uncommon now for members interested in the passage of certain bills to consult the attorney general as to their constitutionality before they are introduced or while still in passage. The recently organized legislative reference bureau may also be expected to reduce unconstitutional legislation. Finally, the scrutiny of bills after they have been passed by the general assembly and before they are approved by the governor is becoming more and more rigid. Since 1900—especially since Governor Deneen's second term—it has become customary for the governor to consult the attorney general as to the constitutionality of bills submitted to him for his approval. At the

[2]Wright, *op. cit.*, pp. 48-49.

present time bills regularly go to the attorney general before the governor himself takes them up for consideration.

A great deal of defective legislation has been prevented by the exercise of the veto power, thereby saving the people of the state considerable inconvenience and expense. During the whole period under consideration seventy-nine such bills were returned. Their general characteristics were practically the same throughout the whole period. Some of the most important classes will be mentioned. Twenty-seven bills have been classified as superfluous. Of these a small number were disapproved because they were considered unnecessary. A large number were duplicates of other bills passed at the same session of the general assembly. The largest number, sixteen, were considered superfluous because more satisfactory legislation covering the same subjects had been passed. In twelve cases bills were disapproved because they conflicted with existing laws not intended to be repealed, with other bills passed at the same session of the general assembly, or carried mutually conflicting provisions. Over two dozen others carried defects in drafting, such as serious omissions or ambiguities. It may be expected that the number of this class of vetoes will be considerably less in the future with the establishment and development of the legislative reference bureau.

The use of the veto power to enable the governor to participate in the formation of the state policy has been of greater importance than both of the other two classes combined. Two hundred and sixty-three, or considerably more than half of the vetoes since 1818 were of this class. Under the constitution of 1818 there were forty-one policy vetoes. It will suffice to mention the most important classes. In regard to certain quasi-public franchises the use of the veto power resulted in the adoption of a policy limiting them to a term of twenty years. Five bills concerning the incorporation of cities and towns were disapproved. The council of revision urged that the powers of cities and towns should be more clearly defined and limited, that the state should retain general control, and that uniformity of incorporation should be sought for. In regard to the settlement of estates the council stood for protection of the interests of heirs and wards against abuse by administrators and executors. In a veto of a divorce bill they called attention to the inexpediency of granting divorces by special legislative acts.

Under the constitution of 1848 fifty-three policy vetoes were made. A number of the most important classes of bills will

be summarized here. The largest single class concerned twenty-three special incorporation acts. Nine bills proposed to incorporate real estate companies. Governors Oglesby and Palmer in disapproving these bills laid the foundation for a policy that has persisted to the present day. They urged that the privilege of incorporation should not be granted unless there were corresponding benefits to the public to be derived from that form of organization. In regard to real estate business they did not believe that incorporation was necessary. A number of bills were objected to because they created monopolies or granted too extensive powers. Three apportionment bills were disapproved because they proposed to "gerrymander" the state for party advantage. It had been the custom to regulate fees of local officers by special acts. In 1865 eleven such acts had been passed. In 1869 Governor Palmer disapproved six bills of this sort because they tended to create conflict and confusion. He expressed the opinion that these matters should be regulated by general law.

Many of the lines of policy suggested by early vetoes found adoption in the constitution of 1870. This is especially true of the prohibitions placed upon the general assembly. A few which were clearly foreshadowed by the vetoes may be enumererated here:

The State shall never pay, assume or become responsible for the debts or liabilities of, or in any manner give, loan or extend its credit to, or in aid of, any public or other corporation, association or individual. Art. IV, sec. 20.

The general assembly shall not pass local or specal laws in any of the following enumerated cases, that is to say: granting divorces; . . . vacating roads, town plats, streets, alleys, and public grounds; . . . incorporating cities, towns or villages, or changing or amending the charter of any town, city or village; . . . the sale or mortgage of real estate belonging to minors or others under disability; . . . chartering or licensing ferries or toll bridges; remitting fines, penalties or forfeitures; creating, increasing, or decreasing fees, percentage or allowances of public officers, during the term for which said officers are elected or appointed; . . . granting to any corporation, association, or individual, the right to lay down railroad tracks, or amending existing charters for such purposes; granting to any corporation, association, or individual any special or exclusive privilege, immunity or franchise whatever; . . . Art. IV, sec. 22.

The general assembly shall have no power to release or discharge any county, city, township, town or district whatever, or the inhabitants thereof, or the property therein, from their or its proportionate share

of taxes to be levied for state purposes, nor shall commutation for such taxes be authorized in any form whatsoever. Art. IX, sec. 6.

No corporation shall be created by special laws, or its charter extended, changed or amended, except those for charitable, educational, penal or reformatory purposes, which are to be and remain under the patronage and control of the State, but the general assembly shall provide, by general laws, for the organization of all corporations hereafter to be created. Art. XI, sec. 1.

All existing charters or grants of special or exclusive privileges, under which organization shall not have taken place, or which shall not have been in operation within ten days from the time this constitution takes effect, shall thereafter have no validity or effect whatever. Art. XI, sec. 2.

No law shall be passed by the general assembly granting the right to construct and operate street railways within any city, town or incorporated village, without requiring the consent of the local authorities having the control of the street or highway proposed to be occupied by such street railroad. Art. XI, sec. 4.

No county, city, town, township, or other municipality, shall ever become subscriber to the capital stock of any railroad or private corporation, or make donation to or loan its credit in aid of such corporation. . . .

It may be added that a large percentage of the constitutional vetoes made since 1870 have been made to enforce these prohibitions.

Since 1870, 170 bills have been disapproved on grounds of policy. Four of the most important classes will be included in this summary. Three were bills concerning cities and municipal problems. In one case an act authorizing the dissolution of cities and towns was disapproved because it did not sufficiently protect the interests of creditors of the municipality. In two cases bills concerning the annexation of territory were disapproved because they did not give residents and property owners in the territory proposed to be annexed sufficient voice in the matter.

Five bills concerning Chicago parks were disapproved. Three were proposals under the guise of general laws to authorize the city authorities to run a street through Humboldt Park. The governors who vetoed these bills feared that material and lasting damage might be done to the park. Two bills to grant the Chicago lake front to the public for park purposes were disapproved in order to gain further time for consideration of this project.

Lake Calumet has also figured prominently in connection with the veto power. Within the last six years three bills deal-

ing with the lake have been disapproved. Two were passed to authorize the city of Chicago to build harbors in the lake. The last bill, which was passed in 1915, authorized Chicago to reclaim and dispose of the land. All three vetoes indicate that the best method of utilizing the lake has not yet been determined upon. In each case the governor has stood out for a well-matured project and against any heedless disposal of that valuable property.

A large number of bills affecting the administration of justice have been disapproved. Two bills forbidding the practice of photographing suspects were disapproved because they would have seriously hampered the prosecution of criminals. In 1911 a bill concerning change of venue was disapproved because it unduly extended the right of the accused to demand it. The parole law and the juvenile court law were protected in 1903 and 1911, respectively, against attempts to destroy them.

The veto of appropriation bills has been closely related to the growing expenditures of the state. This class of vetoes, placed on the general grounds of economy, with one exception, came after 1900. It is composed of two sub-classes, namely, seventeen appropriation bills disapproved in full, and thirty-two appropriation bills disapproved in part as authorized by the constitutional amendment of 1884.

During the early years after 1900 the bills disapproved in full were relatively more important. Later the veto of items became of great importance. The total amounts vetoed varied, of course, widely from year to year. The amounts involved were often very considerable. Thus, for example, in 1903 Governor Yates vetoed about a million dollars. In 1915 Governor Dunne's vetoes totalled something like two million dollars.

With few exceptions, the appropriations disapproved may be classified under the following heads: Appropriations for higher educational institutions, the Illinois national guard, agriculture (especially for the state fair grounds), public roads, and the general appropriations for the state government. That the first two classes of institutions were the first to feel the effect of the veto power may have no connection with the fact that they have little political pressure to bring to bear though the question easily suggests itself. Of late years the state appropriations for public roads and for the general and contingent expenses of the state government have come in for heavy reductions.

Although the veto power has been used to a greater and greater extent to limit the growing increase in expenditures, it

has not been sufficient to prevent enormous increases from session to session. Thus, since 1900, when this class of vetoes began to occur, expenditures have grown from $12,773,686.12 in 1901 to $46,349,326.17 in 1915.

The practice of reducing items for a time showed promise of giving the governor still larger control over appropriations; but this was held unconstitutional by the supreme court in December, 1915. It has been suggested that the constitution ought to be amended so as to enable him to do so. It would seem, however, that a much better and safer method would be to give the governor more influence over the budget in its earlier stages, especially by some means of control over the estimates submitted to the general assembly.

It may be permitted in conclusion to raise a question which is pertinent to the whole discussion of the veto power. The veto power may be characterized as an eleventh-hour remedy. The growing frequency of its use points to a lack of harmony and cooperation between the governor and the legislature. Would it not be expedient to provide some constitutional means for introducing the governor's influence earlier in the process of legislation? Something might be accomplished by following the line of development suggested in Alabama and Virginia—authorizing the governor to introduce amendments. Or perhaps the solution lies in the adoption of some form of cabinet system for the state.

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Wage Bargaining on the Vessels of the Great Lakes

HENRY ELMER HOAGLAND

PREFACE

This study is an attempt to trace the development of methods of wage bargaining in the transportation industry of the Great Lakes. Beginning as an industry in which both profits and wages were highly speculative, lake traffic has been so modified that the returns to both capital and labor have become standardized. This has been made possible by the ever-increasing concentration of control of physical property and by the unification of the interests of wage earners. In the early days one man owned but one vessel and carried freight for other men each of whom owned but a small fraction of the supply of such freight. At present one corporation controls — through ownership and charters — a majority of the available tonnage, and in addition owns an even greater majority of the freight to be shipped. Formerly the wage earner identified his interest with that of his employer. Later he banded with his fellow workers into unions for the purpose of bargaining with the employers. More recently he has had the terms of his labor contract dictated by the same corporation which dominates the management of the physical property involved in lake traffic.

Much of the information was collected while the writer was employed as special investigator for the United States Commission on Industrial Relations. Grateful acknowledgment is made to representatives of employers' associations, to union officials, to government agents connected with lake traffic, and to the many individuals who have assisted in furnishing the background of facts from which to interpret labor relations on lake vessels. From the nature of the problem investigated, much of the testimony obtained from interested parties was necessarily contradictory. For this reason care has been taken to avoid reliance upon oral statements. Reference has been made to published records wherever possible. Throughout the entire investigation the writer was impressed by the desire of all parties interested in lake traffic to have the subject of labor relations on lake vessels fully and fairly presented. It is his earnest hope that this desire has been satisfied in this study.

The writer is indebted to his colleagues, Prof. E. L. Bogart, for suggestions concerning the form of presentation of the material in this study, and Dr. M. H. Hunter, for assistance in reading proof.

H. E. HOAGLAND

Urbana, Illinois
October, 1917

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CHAPTER I

BEGINNINGS OF ORGANIZATION

Previous to 1840 nearly all traffic on the Great Lakes was from the East to the West to supply the needs of a new country. Earlier than this the chief traffic eastward was in grain and as late as 1836 the total receipts of grain at Buffalo were only a half million bushels.[1] This came largely from Ohio ports. The first grain shipped from Chicago to Buffalo, a few bags of wheat, was sent in 1831.[2] By 1840 the total traffic in grain from Chicago to Buffalo was only a few thousand bushels. From then on, however, grain shipments increased rapidly, until in 1846 Buffalo received six and a half million bushels from Ohio and other western states.[3]

The boats which had supplied the west-bound traffic were built for miscellaneous freight and passenger service. The east-bound traffic in grain brought forth in 1850 the first bulk freighter, a small sail-boat capable of carrying about 13,000 bushels of grain.[4] Relatively few west-bound boats were built for continuous service, their chief purpose being to take their cargoes to the new West, much as the arks were used on the Ohio River or the prairie schooners were used in land transportation. Once at their destination the early west-bound boats were broken up, the materials of which they were made were used for other purposes and the men who operated them entered other occupations.

[1] *Marine Review*, May 30, 1907, p. 22.

[2] *Ibid.*, Feb. 22, 1906, p. 15.

[3] *Ibid.*, May 30, 1907, p. 22.

[4] *Marine Record*, Aug. 25, 1898, p. 6. The *Marine Record* and the *Marine Review* were both trade journals, patronized by and representing lake shipping interests. The former was established in 1878 and the latter in 1890. Both were published at Cleveland. On August 14, 1902, they were consolidated and for a year and four months appeared under the name of *Marine Review and Marine Record*. In January, 1904, the name was changed to *Marine Review*.

The new grain freighters changed the character of lake traffic and created a demand for a class of men to follow lake sailing as a vocation. A typical crew of these early days consisted of a captain, two mates, twelve sailors, a cook and a royal boy.[5]

The captain not infrequently was also the owner of the boat. At any rate he was always complete master of it, making an accounting with its owner only at the end of the season.[6] The risks of the traffic were great and freights were high. The chances of great profits induced investment in boats and with good fortune a captain could hope to pay for his boat in one or two seasons. Very often boats were built for captains with no other security than faith in the integrity of the purchaser.

Sailing was a trade to be learned in the school of apprenticeship. In the winter time the sailor was engaged in repairing his boat and in fitting it for the coming season, if not indeed in making a new boat.[7] Knowledge of sailing was required of the men who did this work. The hazards of the sailing occupation and the hardships to be endured demanded that the sailor be a rough, uncouth pioneer. Being such and having served his apprenticeship, he had a right to expect to become some day a captain and perhaps the owner of a boat if he could demonstrate his integrity and his ability to control the men under him.

It was this type of men who formed the first sailors' organization on the Lakes — the Seamen's Benevolent Union of Chicago. The early records of this organization indicate that it was formed August 18, 1863, and that it received a charter from the State of Illinois in 1867.[8] The scaricty of labor at this time made wages high without collective action. This condition, together with the absence of direct antagonism between employer and employee, confined the object of the organization to the "moral, mental and mutual improvement of its members." Similar organizations followed at other ports, but all of these, like the parent union, were short-lived. It was not until there developed a real need for collective action that the organization of lake sailors was again attempted.

[5] *Marine Record*, Aug. 25, 1898, p. 6.

[6] *Marine Review*, Dec. 15, 1904, p. 21.

[7] *Ibid.*, Dec., 1909, p. 528.

[8] From an old seal and miscellaneous records in the office of the present Lake Seamen's Union.

About 1870 began two of the contests which have helped to revolutionize lake traffic; the first was the contest of iron ore with grain for first place in shipments, and the second was the contest of steam with sail as the motive power of lake transportation. Iron ore was discovered on the Marquette range September 19, 1844.[9] The first ore removed from the mines was carried on the backs of prospectors. For several years attempts were made to make iron in the upper lake district and it was not until 1853 that plans were laid to ship the ore itself to the lower lakes. In September of that year, 152 tons were shipped in four vessels from Marquette to Sault Ste. Marie where it was portaged over the falls, reloaded upon another boat and carried to Erie, Pa. The Sault Ste. Marie canal was opened June 18, 1855, and immediately iron ore shipments began to assume importance.

It was not until several years later, however, that the ore trade equaled the grain trade or even the lumber trade. For example, in 1866 the grain receipts at Buffalo alone were 1,500,000 tons; the lumber receipts at Chicago alone were 400,000 tons; while the ore receipts at all Lake Erie ports together amounted to only 279,000 tons. By 1880 grain shipments were double those of 1866, while ore shipments increased sevenfold and totalled approximately 2,000,000 tons. Eight years later ore shipments exceeded 5,000,000 tons and for the first time surpassed grain shipments. Since then iron ore has had no competitor in lake tonnage. The 1890 shipments were almost double those of 1888; 1899 more than double 1890; 1906 more than double 1899; while by 1912 the annual ore shipments by lake boats had reached almost 50,000,000 tons.[10]

As late as 1863, 93 per cent of all lake tonnage was sail.[11] Barges were first used on the Lakes in 1861 — in the lumber trade.[12] Four to six were towed by propellers or tugs. None of the early steam-boats were ore carriers. All of them carried

[9] This brief historical statement is condensed from an article appearing in the *Annual Report of the Lake Carriers' Association* for 1910, pp. 102 *et seq.*

[10] *Marine Review*, Dec., 1912, p. 440. The unprecedented war demand for ore caused a further increase in lake shipments to 65,000,000 tons in 1916. *Ibid.*, Feb., 1917, p. 75.

[11] *Ibid.*, Apr. 14, 1904, p. 30.

[12] *Ibid.*, June 2, 1904, p. 52.

passengers and were ill-fitted to carry ore though some of them occasionally carried a deck load.[13] The first steam-boat built for the iron trade — a 200 footer — appeared in 1869. A second followed the next year, built to carry 1,200 tons. The second was built as the consort of the first. This started a method of ore transportation which was the prevailing practice for nearly twenty years. Sail-boats carried up to 600 tons and had, until 1870, almost a monopoly of bulk freight trade. Steam gained very rapidly from then on.

The early steam-boats, like the schooners, were built of wood. The first iron steamer to be used on the Lakes for commercial purposes was built in 1862;[14] this had a gross tonnage of 861 tons. The first to be used in the ore trade was built in 1882.[15] Two years later steel boats appeared and by 1886 iron ceased to be used for ship-building on the Lakes.[16] As late as 1887 all but 42 of the freighters on the Lakes were built of wood. The largest number of steam vessels built in any one year previous to this time was five. In 1888 14 were built. With the advent of steel boats wood ceased to be used for ship-building material and sail-boats gradually gave place to steam-boats. No sail freighters have been built since 1891 and by 1904, 97 per cent of the tonnage on the Lakes was propelled by steam.[17]

The draught of ore vessels has always been regulated by the depth of the water in the locks at the Sault Ste. Marie so that increase in the size of vessels has depended upon the activity of the United States government in deepening channels, building locks, installing lights, and in other ways making traffic more safe and providing for a larger class of boats. The response to such improvements has been rapid and the boats have continually increased in size. The first of the ore boats carried less than 1,000 tons. The largest cargo in 1882 was 1604 tons; by 1892 the largest cargo was almost double that of 1882; by 1898, almost double that of 1892; while with the appearance of the 500 footer in 1900, a cargo of 10,000 tons was made possible.[18]

[13] *Annual Report Lake Carriers' Association*, 1910, p. 106.
[14] *Marine Review*, Feb., 1910, p. 64.
[15] *Ibid.*, June 2, 1904, p. 53.
[16] *Ibid.*, Feb., 1910, p. 64.
[17] *Ibid.*, Apr. 14, 1904, p. 30.
[18] *Annual Report Lake Carriers' Association*, 1910, pp. 109 *et seq.*

Even this amount has been increased more than 40 per cent since 1900.

After the first real boom in lake traffic, beginning in 1871, came the depression of 1872 from which the lake trade did not recover until 1878.[19] The labor riots which accompanied the depression resulted in the revival of the spirit of organization, this time under changed conditions. Wages were low; the boats had increased in size and hence in cost; the percentage of captains owning their own boats had decreased and in their places had appeared vessel owners who began to try to run their boats on a more business-like basis. Following the Chicago riots of 1877 one of the labor leaders — a longshoreman — organized a strong union in his own trade and then turned his attention to the seamen. Under his leadership the old seamen's union was reorganized on April 1, 1878, under the name of Chicago Seamen's Benevolent Union, having as its object the "mental, moral and financial improvement of its members."[20] Immediately branches were organized at other lake ports — nine within a year. Control of the organization, including the branches, was retained in the parent union at Chicago.

The return of prosperity in 1878-1879 found the sailors well organized and ready to dictate terms to the vessel owners. Only sailors — those with practical knowledge of operating sailboats — were admitted to membership in the union, but mates and even captains were included at times, since the interests of captain and owner were no longer identical. The increased demand for sailors gave the union a sense of power and "scab" became anathema.[21] Union members were not permitted to sail with non-union men[22] and those who incurred the enmity of the organization by refusing to join it were, in some instances, forever prohibited from becoming members or were driven from the Lakes if even harsher methods were not used. When necessary to keep non-union men off the boats union men were permitted

[19] *Marine Review*, Feb., 1910, p. 64.

[20] As stated in its constitution, in ms.

[21] Boarding-house keepers were boycotted for harboring non-union sailors and even an undertaker who had buried a non-union man was placed on the unfair list for a period of 99 years. Journal of the Chicago Seamen's Benevolent Union, in ms., *passim*.

[22] *Constitution*, 1879, sec. 7.

to work at less wages than the scale adopted by the union itself.

The idea of a trade agreement, fixing for a season wages and conditions of work, was not thought of. Union members looked with distrust upon any conference with boat owners and preferred to dictate the terms under which they were willing to work.[23] The sailing year was divided into four seasons: 1. Pre-season shipments began before the regular spring shipments were definitely started. High freights due to unusual risks of the weather tempted some boats to make a trip or two before spring really opened. 2. The regular spring season began with settled weather conditions. 3. The fall season was characterized by decreasing traffic and the disappearance of "summer sailors" from the Lakes. 4. Post-season shipments were made under conditions similar to the very early shipments. In the first and fourth periods wages were usually paid at so much per trip since the time required to make a trip was uncertain and day wages might prevent shipments since wages might amount to more than the freights received. Wages during the second and third periods were paid by the day. It was customary for the captain to pay off his crew upon reaching port and to hire a new crew only when again ready to sail.[24]

Under these conditions the union forbade its members to ship for a round trip when sailing to a port which had a branch union. For it was not unusual for wages to be changed every few days if the union members thought freight rates warranted an increase in wages. The method of increasing wages was as follows: the union men at any port were called together and asked to vote an increase of $.25 per day. Such increases always took effect the following day. Hence a member shipping from Chicago to Buffalo, for example, at $1.75 per day might find upon reaching the latter port that wages had been raised to $2.00 per day. In fact such increases became so frequent that at the second general convention of the union, in 1879, it was voted that no branch could raise its wages above the scale set by the Chicago union.[25]

In reality of course this was an attempt to establish a sliding scale of wages to be governed by freight conditions. But when

[23] Ms. records of Lake Seamen's Union, *passim*.

[24] *Marine Record*, Oct. 17, 1901, p. 11.

[25] Journal of Chicago Seamen's Benevolent Union, in ms., *passim*

left to an irresponsible group of sailors to learn first what freight rates prevailed and then to adjust wages accordingly, it often resulted in tying up the boats because the wages demanded included profits as well. Indeed it was not unusual for the union to call a second meeting within a day or two after voting to raise wages in order to reduce them again if its members thought the boats would not leave port under the wages set.

In the hands of the union the individual vessel owners were at a disadvantage. If they secured non-union men, these were either driven from the Lakes or into the union. The owner must either have accepted the terms offered by the union or have kept his boats tied to the docks. After almost three years of submission to union dictation the vessel owners at Cleveland met on September 1, 1880, and formed the Cleveland Vessel Owners' Association, having as its chief purpose the destruction of the seamen's unions. The owners at other ports were favorable to the formation of a general vessel owners' association to effect this and other purposes and on February 16, 1881, a general meeting was held at Chicago to discuss such an association.[26] Already the ore trade was centered in Cleveland, the grain trade in Buffalo, and the lumber trade in Chicago. There was not yet sufficient community of interest to insure the success of a general organization and the Chicago meeting failed to accomplish its purpose. Instead the local associations continued and met with varying success. The most successful were those at Buffalo and Cleveland.

The Cleveland Vessel Owners' Association began by establishing shipping offices at Cleveland, Ashtabula, and other nearby ports, for the purpose of securing non-union men and of protecting them on the boats. As its chief shipping officer the association secured a man who though once a union sympathizer and a member of a sailors' union, had since cast his lot with the opponents of unionism and had already demonstrated his ability as a strike breaker. Being a prize fighter of no mean ability and a police officer with notches on his gun barrel he was the type of man needed by the association to do battle with the turbulent unionists.

Calling to his assistance men of his own type, the shipping officer began a twenty years' war upon the sailors' unions. The

[26] Beers, *History of the Great Lakes* (Chicago, 1899), p. 465.

first open fight occurred during the season of 1881 and resulted in a victory for the employers. When the union began to recoup its losses two years later it turned first to demands for legislation as a means of remedying its ills. The lobby at Washington to secure the passage of various seamen's bills was established at this time.[27] Failing in immediate success in its demands for legislation, the union again gave battle to the Cleveland Vessel Owners' Association and again met defeat in 1885.

In addition to a return to legislation after the second defeat, the union turned to the Knights of Labor for support and on March 24, 1886, secured a charter for the Seamen's Assembly of the Knights of Labor.[28] The war against the Cleveland Vessel Owners' Association was continued as before, but the Knights of Labor failed to accomplish for the seamen more than the latter had been able to do for themselves. Furthermore the type of men who sailed the Lakes were not greatly enthused over the ritualistic ceremonies demanded in the meetings of the Knights of Labor, nor were they willing to grant their officers the deference due a Venerable Sage, an Unknown Knight, a Judge Advocate, or an Almoner.

Union membership failed to increase and the Vessel Owners' Association retained control over wages and labor conditions on the boats. At the same time a new cloud began to assume huge proportions on the horizon of the seamen's union. Up to this time the union was composed of sailors — men on sailing vessels only. Here, with the exception of the master of the boat, there was little distinction of skill among the workers. All were sailors — members of a skilled trade. While on the steam-boats there were various grades of men with the unskilled deckhands and firemen in the majority. The sailors looked with disdain upon these two classes of men and "Wooden boats, iron men: iron boats, wooden men" became their slogan.[29]

[27] The first appropriation noted in the journals of the seamen's union for the purpose of defraying the expenses of a representative at Washington was in 1884. Since that time much attention has been given by the union to legislation. The now famous so-called LaFollette Seamen's Law is based upon the same demands made by the union in 1884.

[28] Branches of the union were given proper names in addition to their K. of L. numbers. For example, the Buffalo local was called the "Perry Labor Club," Local Assembly 6166, K. of L.

[29] Ms. journal of Lake Seamen's Union, Feb. 20, 1894.

In spite of its two decisive defeats by the Vessel Owners' Association and in spite of the fact that the steam-boats were steadily taking over the business of the sailing vessels and hence reducing the demand for sailors, the union had continued its system of voting changes in wages whenever it seemed at all likely to succeed in forcing an advance. To be sure, its failures since 1881 had far outnumbered its successes. Nevertheless it continued the plan. By 1888 the union leaders realized that steam-boats would soon completely displace sailing vessels and that if the union would prosper it must organize the men on the steam-boats. The rank and file of the men did not realize the change taking place in lake traffic and opposed any plan to extend the jurisdiction of the union. Then too the Vessel Owners' Association so thoroughly controlled the situation that the steamboatmen did not dare join the union at this time.

In 1889 offers were made to the vessel owners to have a committee of the union meet a committee of the association and try to effect an amicable settlement of their differences.[30] These offers were ignored. The year 1889 was a dull season for sailing vessels on the Lakes and the owners had little difficulty in securing non-union men at any wages they were willing to pay. Failing in their request for a conference, the union leaders then proposed that any attempt to set a union scale of wages be abandoned and that the organization be continued merely as a beneficial association. This too was opposed by the members[31] and for two years longer the losing fight was continued.

The union suffered an unusual loss of membership in 1889 and at the opening of 1890 prospects looked discouraging. Withdrawal from the Knights of Labor was discussed though not acted upon. It was voted, however, that the question of wages "shall not be entertained in any way, shape or form collectively by any branch or body attached to this Association;" and that "members shall make no discrimination as to whom they shall sail with or as to where they shall obtain this employment."[32] Later in the season the demand for seamen increased and the

[30] Circular letters were sent out by the union to the members of the association.

[31] At the same meeting, however, the union modified its policy toward non-union sailors by permitting its members to sail with such men.

[32] Journal of the union, in ms., Jan. 21, 1890.

above action was rescinded. Union shipping offices were established, wage scales were again voted, and union members were prohibited from sailing with non-unionists.[33] The vessel owners' shipping offices were boycotted and members of the union found within such offices were fined heavily. The Vessel Owners' Association resorted to its accustomed practice of securing non-union men from the Atlantic ports and succeeded in preventing any effective action by the union.

Near the end of the season of 1890 all available vessel tonnage was in commission and the outlook for 1891 was good. The spirit of unionism revived. The determination to withdraw from the Knights of Labor and to substitute a strong union of lake-faring men for the old conglomerate organization of all trades had become general enough to lead the members of the union to follow the advice of their leaders. One faction of the union, led by the Milwaukee branch, remained loyal to the Knights of Labor for two years longer.

The seceders formed a new organiation but they were still imbued with the industrial union philosophy of the Knights of Labor, as is indicated by the following announcement to the press at the time of organizing:

> We want to number among us every man on the Great Lakes who is employed in any capacity connected with the Lakes. We want the man who builds the boat; the man who runs her engines and fires her boilers; the man who loads and unloads her; her deckhands; cook; every man who depends for a living upon the vessel owner. When we have these men enrolled as members we will be on an equal footing with the owner of floating property, and not until then. Then we can go to our employers and demand fair compensation for our labor, and we will be in a position to back up our claims.

This action was followed the next year by the formation of the National Seamen's Union of America to include the unions on the Lakes, the Pacific Coast, and the Gulf of Mexico. The unions on the Atlantic Coast were not represented but sent their greetings. The national union also was to be a democratic organization, to include all men who "make a living by following the sea or on the Lakes in any capacity in steam or sailing vessels."[34] The dreams of the founders of these organizations were never

[33] Journal of the union, in ms., *passim*.

[34] *Proceedings* of the union for 1892, p. 3.

realized but their success was immediate and helped to bring about a change in the employers' associations on the Lakes.

As already noted, the attempt to form a general vessel owners' association at Chicago in 1881 failed because there was not yet sufficient community of interest to hold the local associations together. Their interests were, for the most part, local in their nature and as such could be handled better by local organizations. These local associations continued their separate existences, with the Cleveland association leading in importance and at times assuming the character of a general organization. Having succeeded in defeating the seamen's union in its first open battle in 1881, the Cleveland association turned its attention to legislation, navigation problems, etc., retaining its shipping offices and its non-union policy as its chief reason for existence.

The Lake Carriers' Association was formed at Buffalo May 21, 1885, after a preliminary meeting of vessel owners from the various lake ports had been held at Chicago April 14, 1885.[35] According to its constitution, the purpose of the association was "to consider and take action upon all general questions relating to the navigation and carrying business of the Great Lakes and the waters tributary thereto, with the intent to improve the character of the service rendered to the public, to protect the common interest of the lake carriers, and to promote their general welfare."[36] It was composed at first of passenger and package freight lines and was dominated by the larger interests. It was opposed by the smaller owners in this class of business and by the bulk freighters who already had membership in the existing associations. In order to overcome the opposition of the latter, the new association eschewed labor troubles and refused to consider any question of a purely local nature. It encouraged the formation of local associations for these purposes and was instrumental in building up a strong local association at Buffalo.

The new association was opposed especially by the Cleveland Vessel Owners' Association because the former was dominated by Buffalo interests while the latter largely dominated the policies of the local associations at other lake ports. But in spite of strong opposition, the Lake Carriers' Association included in its

[35] *Marine Record*, Jan. 26, 1899, p. 15.

[36] Beers, *op cit.*, p. 466.

membership, at the end of its first year, one-fifth of all lake tonnage, steam, sail, and barge. Its first official act was to secure the services of a representative at Washington to watch legislation affecting lake interests. Other subjects which received attention early were the establishment of lights, the clearing out of obstructed channels, and the building of bridges over connecting water courses.

From 1885 to 1891 the Lake Carriers' Association and the Cleveland Vessel Owners' Association remained independent of each other, occasionally acting in harmony but more often working at cross purposes, even though seeking the same end.[37] The weakening effect of this division of forces, together with the growing strength of the seamen's union, brought about at the beginning of 1891 a demand among the vessel owners for an amalgamation of the two major associations and the absorption of all other such organizations on the Lakes. Throughout the latter part of 1891 conferences were held at various ports around the Lakes and on April 28, 1892, a general conference at Detroit effected the reorganization of the Lake Carriers' Association to include all vessel owners on the Lakes and to take over all activities of existing associations.[38]

The new association took over the shipping offices formerly maintained by the Cleveland Vessel Owners' Association and in addition established similar offices at other important lake ports.[39] Almost immediately thereafter a war of extermination was begun against the reorganized seamen's union.[40] Shipping offices were established in New York City and men were sent from there to the Lakes to take the places of the union seamen, the Lake Carriers' Association paying the cost of transportation.[41] Violence was practiced by both sides and personal encounters became very common.[42] Numerous murders have been

[37] *Annual Report Lake Carriers' Association*, 1892, pp. 14 *et seq.*; *ibid.*, 1893, p. 1.

[38] *Ibid.*, 1893, pp. 1-2.

[39] *Ibid.*, 1893, p. 2.

[40] *Proceedings International Seamen's Union*, 1893, p. 7; 1895, p. 7.

[41] *Annual Report Lake Carriers' Association*, 1893, p. 22.

[42] *Ibid.*, 1893, pp. 13-14. The prosecution of union men and the defense of non-unionists arrested during fights and pistol duels caused one of the greatest items of expense for the association during this year.

charged to these encounters. Police protection varied inversely with the strength of unionism in politics and directly with the degree of influence exerted by the members of the Lake Carriers' Association. For example, in Buffalo, one of the two chief centres of the Lake Carriers' Association strength, ninety police officers were detailed by the city authorities to give non-union men protection while in port. And this without expense to the vessel owners.[43] While in Chicago, the centre of union strength, the vessel owners and their non-union employees were left to the mercy of the union pickets.

Measured by the shipments of iron ore, lake traffic decreased over 30 per cent in the depression of 1893 and the 1892 figures were not reached again until 1895. This slump in traffic created a surplus of labor and, together with the dissensions which developed within the ranks of the union, helped the Lake Carriers' Association in its fight to disrupt the union. In spite of the inclusive declaration to the press which accompanied the reorganization of the Lake Seamen's Benevolent Association in 1891,[44] the rank and file of the union were still opposed to accepting steam-boatmen as members. After a two years' struggle to prevent the lake seamen from withdrawing from the Knights of Labor, the Milwaukee local gave up the fight at the beginning of 1894 and started a new organization to be composed of steam-boatmen and sailors and to be called the Lakefaring Men's Union.[45] It was thought by the seamen's union that this new organization was fostered by the Lake Carriers' Association to divide the forces of the seamen. At about the same time the Steamboatmen's Protective Association, to be composed of wheelsmen, lookoutsmen, watchmen, and stewards, was started at Chicago with 150 members. A general organization to include all steam-boatmen on the Lakes was planned.[46]

The general dissatisfaction with the failure of the Lake Seamen's Benevolent Association to withstand the attacks of the Lake Carriers' Association in 1893, together with the formation of the dual organizations, brought about another reorganization of the parent union in 1894 under the name of Lake Seamen's

[43] *Annual Report Lake Carriers' Association*, 1893, p. 12.
[44] *Cf. supra*, p. 18.
[45] Journal Lake Seamen's Union, in ms., Jan. 30, 1894.
[46] *Marine Review*, Jan. 5, 1892, p. 12.

Union.[47] A definite effort was then made to enlist in its membership the able seamen on steam-boats. Men were plentiful at this time, however, and the efforts of the union were unavailing for a time, either to increase its membership or to secure favorable terms from the vessel owners.

For the third time the owners of the vessels which carried iron ore had succeeded in driving the seamen's union from the Lakes — twice when organized in the Cleveland Vessel Owners' Association and once in the Lake Carriers' Association. At no time had there been any serious talk of compromise, of trade agreements, of giving the men on the boats a voice in the determination of the conditions under which they worked. Incensed at the dictatorial methods of the early unions, the owners began a counter attack and won the first open battle in 1881. Intermittent guerrilla warfare during the succeeding four years was followed by the second open fight in 1885 and again the owners won. Again the union resorted to secret attacks upon non-unionists and vessel owners until, encouraged by reinforcements in 1891, its members began the third campaign against the combined forces of their union-hating employers. Like the vessel owners, the unionists did not wish compromise or trade agreement, but sought dictation of the terms of their employment instead.

[47] Journal of Lake Seamen's Union, in ms., Mar. 6, 1894.

CHAPTER II

GROWING CONCENTRATION

By 1896 the bulk freight traffic on the Lakes had become definitely established as primarily a movement of iron ore. Shipments of coal up the Lakes were increasing to be sure, but such cargoes were profitable only when carried in the vessels which brought ore down the Lakes. The coal was carried to offset the charges of returning the vessels to the ore mines. The shipments of grain, the nearest rival to ore, amounted in 1896 to less than 5,000,000 tons; the shipments of ore amounted to more than twice as much as the shipments of grain. The banner year for grain shipments was 1898 when slightly more than 6,000,000 tons were received at Buffalo.[1] Since then the grain trade has declined nearly 50 per cent. This decline has been due to changed conditions of agriculture, more grain now being fed to stock than formerly, and to larger shipments south rather than east.[2]

On the other hand, annual ore shipments since 1896 have increased from 10,000,000 tons to 65,000,000 tons. Owing to the depression in the early nineties, but little more ore was shipped in 1896 than in 1890; but beginning in 1896 the increase in ore traffic has been rapid and, except for occasional lean years, continuous.

During this time capital invested in every branch of the iron and steel industry and hence control of every branch of the industry has become concentrated into fewer hands. This concentration of control has affected lake traffic as well. Previous to 1897 there had been corporate control of a part of the vessels and the furnace interests were large owners of boats. But up to this time the independent boat owners, those with no mine or

[1] *Marine Record*, Oct. 20, 1898, p. 8.
[2] *Marine Review*, Jan. 22, 1906, pp. 15-16.

furnace connections, had maintained a fair balance of power. Small fleets were most common.

The Mesabi Range was opened in 1892.[3] Three years later it took the lead in ore shipments, sending nearly 3,000,000 tons to the Lake Erie ports. By 1901 it was furnishing approximately one-half of the ore shipped from Lake Superior. Since 1905 it has furnished from 60 to 75 per cent.[4] Before the formation of the United States Steel Corporation, it had not been the policy of the Carnegie interests to own either mines or vessels. Hence when the Rockefeller interests secured control of the Mesabi Range[5] they sold the ore to the Carnegie Steel Company and also secured a contract to convey it to the Lake Erie ports. In December, 1895, Rockefeller placed orders for seven steamers and five barges which formed the nucleus of the fleet which for a short time exerted a great influence in lake ore traffic.[6] Rockefeller's contract for selling ore to the Carnegie Steel Company stipulated that the Rockefeller fleet would be given a minimum of 1,200,000 tons annually at the going rate for the season.[7] The importance of this clause will be noted later.

The coming of the Rockefeller or Bessemer fleet meant many changes in the methods of dealing with the various classes of labor on the boats. Although the managers of the new fleet introduced relatively few new ideas, they put into successful operation for the first time many ideas already in the minds of the managers of other fleets. With the appearance of the large steel steamer and the organization of the larger fleets, the old system of leaving the entire control of the vessel, including the chartering of cargoes, collecting of freight, etc., to the captain gradually had disappeared. But as yet the captain had received but little dictation in the actual management of his boat or in the control of his men.

Up to this time the two chief requirements of the captain were

[3] During this year it sent 4,245 tons of ore down the Lakes. *Marine Record*, Dec. 14, 1899, p. 9.

[4] *Annual Reports of Lake Carriers' Association, passim.*

[5] During the panic of 1893 John D. Rockefeller secured his title to the ore deposits, accidentally perhaps. *Annual Report Lake Carriers' Association*, 1910, p. 112.

[6] *Marine Review*, Dec. 12, 1895, p. 5.

[7] *Ibid.*, Jan. 14, 1897.

that he be a successful navigator and that he be able to handle his men, using force if necessary to quell mutinies and other disturbances on the boat. These were heritages from the days when the sail-boat and the sailor dominated lake traffic. Then small investments in boats made wages the chief element in the cost of delays. And if delays were occasioned while the boat was in port, even this cost was reduced to a minimum since only the captain and the cook were retained on the pay-roll.

All this was changed when a costly steam-boat with a heavy overhead expense replaced a cheap sailing vessel with practically no costs but wages and repairs. Then too, in the sailing vessel the captain had at one time or another filled every position from royal boy up; on the steam-boat he was a graduate of the forward end of the boat only and he knew nothing of the operation of the boat's machinery. In the first place, then, the ancient prerogatives of the master of the boat began to be overruled by the owner of the boat who insisted upon a more business-like management of his large investment; and in the second place, the supreme authority of the master began to be questioned by the chief engineer, a man who looked upon his position as of at least equal importance with that of the captain and who, therefore, looked to the owner of the boat rather than to the captain for his orders.

These changes were accentuated in the Bessemer fleet. A shore captain or commodore was appointed to whom the captain must look for his orders.[8] The engineer received his orders from a similar official known as the fleet engineer. Dispatch meant greatly increased dividends and attention was given to fuel costs, time studies in running light and in running loaded, etc. Definite schedules were made showing the amount of fuel to burn per hour and the rate of speed to be followed. In numerous other ways system replaced luck and efficiency became the watchword. Masters were required to give orders to engineers in writing in order to place responsibility in case of mistake.[9]

Finally, another important change occurred in the attitude of the owner toward the employees on the boats. In sailing days

[8] *Marine Review*, Feb. 27, 1896, p. 7.
[9] *Ibid., passim.*

it was customary for the captain to hire for a single trip and to dismiss his crew as soon as he reached port. In securing a new crew upon leaving port he might, of course, hire a part of the same men. This was largely a matter of accident. In so far as the unions controlled the men the chances were against a man sailing on the same boat very long at a time, for if there were idle men in port these were given first opportunity to ship. Furthermore, but little inducement was offered to keep men on the boats. Living quarters furnished the minimum accommodations for physical well-being and food was poor in quality and illy prepared.[10] Seamen were considered to be so many units of labor power and that captain was considered most successful who could extract this power with least expense and least open hostility. This failure to provide physical comforts and to consider sailors as more than machines had its effect in the low class of men who were attracted to this work.

In the early days of steam-boat supremacy this attitude was continued and it was not expected nor desired that unlicensed men should remain long on a boat. Firemen and deckhands especially were recognized as a shifting lot of rough characters and no owner expected much of these men except the exercise of brute strength during the time they were employed. A few owners were beginning to take steps to change these conditions when the Bessemer fleet was organized, but it was left to this line of boats to announce the change as a definite policy of the management. As soon as these boats were launched the manager announced that he proposed "to offer every inducement for crews to remain aboard their vessels, year after year, and to seek promotion, with a full understanding that they are to be promoted if they are deserving of it, and that a system of advancement, from firemen up, is to be encouraged on the company's boats."[11] Wholesome food and comfortable quarters were provided and attention was given to the selection of men employed on the boats.

In 1896 the ore carrying tonnage on the Lakes was increased over 20 per cent by the appearance of thirty new boats having a gross tonnage of over 100,000 tons.[12] This increase in tonnage

[10] *Marine Review, passim.*

[11] *Ibid.*, July 2, 1896, p. 7.

[12] *Ibid.*, Feb., 1910, pp. 64-65.

was equal approximately to the additions of the preceding three years. In the absence of a combination to fix rates, the competition produced by this addition to the carrying capacity of the ore boats reduced charter freights for the following year from $.91 per ton to $.63 per ton.[13] In 1897 eighteen more boats with a tonnage of 58,000 were built and in 1898 freights ruled at $.61 per ton.[14]

In the fall of 1898 unusually severe storms on the Lakes made a considerable reduction in the available tonnage. The Spanish-American War drew from the Lakes a large number of wage earners[15] and attracted to the Atlantic Coast numerous lake bulk freighters.[16] At the same time the boom period on the Lakes, following the return of prosperity in the late nineties, created an unprecedented demand for both boats and men. In spite of the fact that dispatch in loading and unloading boats and time study in running the boats were greatly increasing the possible annual carrying capacity, ore freights rose from $.61 per ton in 1898 to $.95 in 1899. Other freights rose in proportion.

Such freight rates on tonnage approximately as great as that in 1896 made the year 1899 by far the most prosperous ever experienced by the vessel owners. The increasing demand for iron and steel products indicated a banner year for 1900. As stated above, the Bessemer Steamship Company was guaranteed an annual tonnage of 1,200,000 tons by the Carnegie Steel Company at the going rate for the season. Anticipating a capacity demand for vessel tonnage in 1900, the Rockefeller interests began as early as October, 1899, to charter all available boats for the following season.[17] The knowledge of this fact in itself forced up charter rates for 1900. In addition, boats representing a total capacity of 100,000 tons were held at the docks by

[13] These are average freights from the mines at the head of Lake Superior to the receiving ports on Lake Erie.

[14] In December, 1897, the executive committee of the Lake Carriers' Association discussed a change in the by-laws of the association to permit the adoption of minimum freight rates for the following season. This effort to fix freight rates by the association, like previous similar attempts in the same direction, failed. *Marine Review*, Dec. 9, 1897, p. 7.

[15] *Ibid.*, June 16, 1898, p. 8.

[16] *Marine Record*, Mar. 16, 1899, p. 10.

[17] *Ibid.*, Oct. 26, 1899, p. 7.

the Bessemer Steamship Company in June, 1900, and another increase was effected.[18] The rate for 1900, corresponding to those already quoted, was $1.05 per ton — an increase of $.10 over 1899. During the same year freights on coal and grain fell as follows: hard coal — Buffalo to Chicago, $.73 to $.48 per ton; soft coal — Ohio ports to Milwaukee, $.69 to $.45 per ton; and wheat — Duluth to Buffalo, $.036 to $.020 per bushel.[19]

The reaction which resulted from this demonstration of the ability of the Rockefeller fleet to control freight rates on iron ore brought about important changes in the control of lake traffic and in the relations of the vessel owners to the men employed upon the boats.

There had always been a fairly constant relationship between the wages of one class of men on the boats and those of each of the other classes. So that to the vessel owner one union strong enough to maintain wages or to force increases was as undesirable as an effective union for each class of employees. Up to this time the seamen's union had occasioned most annoyance to the owners. When the Lake Carriers' Association had ended their campaign of 1893 against this union the only barrier between the vessel owner and his right to manage his boat as he saw fit had been removed. In the absence of any effective labor organization, the owners had little trouble in reducing wages. The reductions from 1893 to 1897 were as follows:[20]

WAGES PER MONTH

STEAMERS

	1893	1897
First mates	$60–$80	$50–$75
Second mates	45– 60	40– 50
Wheelsmen	30– 37.50	25– 30
Watchmen and lookoutsmen	30– 37.50	25– 30
Deckhands	15– 20	15
Chief engineers		
First class boats	115–125	105
Second class boats	100–115	90
Third class boats	80–100	60– 75

[18] *Marine Record*, June 7, 1900, p. 11.

[19] *Marine Review*, Dec. 26, 1907, p. 23.

[20] From data compiled for the writer by the secretary of the Lake Carriers' Association.

Second engineers		
First class boats	75– 80	70
Second class boats	70– 75	65
Third class boats	60– 70	50
Firemen	30– 37.50	25– 30
Oilers	30– 37.50	30
Chief cooks	45– 55	40– 50
Second cooks and helpers	15– 20	12– 15
SAIL-BOATS AND CONSORTS		
First mates	45– 60	30– 45
Second mates	35– 45	35
Cooks	30– 37.50	25– 32
Seamen	30– 37.50	20– 30
Deckhands and boys	15– 20	13– 17

The wages for 1898 were the same as for 1897. By 1898 the general unrest among the wage-earners on the Lakes had taken the form of increased union activity and membership in all lake organizations grew very rapidly. The heavy enlistments in the Spanish-American War took many workers from the boats and perhaps would have made labor scarce even in a normal year. But in a year of unusual traffic the scarcity of men was very marked and gave the unions considerable advantage. More wages were demanded and at the opening of navigation in 1899 the following wages were paid as compared with those paid in 1898:[21]

WAGES PER MONTH

STEAMERS

	1898	1899
First mates	$50–$75	$66–$96
Second mates	40– 50	45– 55
Wheelsmen	25– 30	30– 35
Watchmen and lookoutsmen	25– 30	30– 35
Deckhands	15	20
Chief engineer		
First class boats	105	110
Second class boats	90	95
Third class boats	60– 75	65– 80
Second engineer		
First class boats	70	75
Second class boats	65	70
Third class boats	50	55

[21] From data compiled for the writer by the secretary of the Lake Carriers' Association.

Firemen	25– 30	30– 35
Oilers	30	35
Chief cooks	40– 50	45– 55
Second cooks and helpers	12– 15	17– 20
SAIL-BOATS AND CONSORTS		
First mates	30– 45	35– 50
Second mates	35	40
Cooks	25– 32	30– 35
Seamen	20– 30	25– 30

The success of this wage demand gave the men on the boats confidence in their organizations and made the union leaders conscious of their power. The wages paid at the beginning of 1899 had scarcely restored the scale paid in 1893.[22] Increases ranging from $2.00 to $5.00 per month were granted to all employees on the boats below the licensed officers on August 15, 1899, and in September the third increase for the year, ranging from $2.00 to $22.00 per month and applying to practically all men on the boats, was granted to take effect October 1, 1899.[23] Again at the opening of navigation in 1900 the employees below the licensed officers received substantial advances over the highest wages paid in 1899.[24] In the scramble for the unusual profits to be had in the ore carrying trade, the owners did not dare risk a tieup of their boats in a strike. Hence the demands of the unions met no organized opposition and indeed but little objection from individual owners.

In order to understand the development of union policies at this time, a brief summary of the history of the labor organizations on the Lakes is necessary. The history of the Lake Seamen's Union has already been traced to 1896. In its reorganization after its third disruption by the Lake Carriers' Association, it definitely abandoned its opposition to steam-boatmen and depended upon this class of men for increases in its membership. In fact, from this time on it was dominated by able seamen who worked on steam vessels. The organization of deckhands was discussed from time to time, but it was not until January, 1902, that a majority of the membership of the union

[22] *Marine Record*, Aug. 17, 1899, p. 13.

[23] *Ibid.*, Sept. 28, 1899, p. 5.

[24] From data compiled for the writer by the secretary of the Lake Carriers' Association.

was made to see that every deckhand was a potential wheelsman or watchman, especially if trouble should come with the owners. Separate organization of deckhands was discussed for a time but finally, in January, 1902, it was voted to accept them as members of the Lake Seamen's Union, to be given a black book or ordinary seamen's book.[25] Even then some of the local unions refused to abide by the decision of the Lake Seamen's Union and made little effort to join the deckhands within their jurisdiction. At the same time the deckhands were not easily organized. Being a shifting conglomerate of tramps, criminals, school boys, and young men who had some expectation of following the Lakes for a living, the changes from deckhands to able seamen and the desertions from the boats to enter some other work made it almost impossible to gather together and to hold such men in a union. Hence for a year after it was voted to accept deckhands to membership in the union all efforts to organize them failed.

With the increase in the number and size of steam-boats on the Lakes, there developed the need for organization of firemen and engineers. The first firemen's union was formed at Cleveland, April 12, 1888. On April 28 of the same year a similar organization was formed at Buffalo. These two organizations were unaffiliated except as they had mutual interests in the Knights of Labor. In 1891 the firemen withdrew from the Knights of Labor and incorporated in the State of New York under the name of Marine Firemen, Oilers and Water Tenders' Benevolent Association of the Great Lakes. This charter was retained until 1898.[26] During these ten years the methods employed by the firemen in dealing with their employers were very similar to those employed by the seamen. As a rule the firemen were as difficult to organize as were the deckhands and because the nature of their work demanded on the whole a hardier set of men they were perhaps even more difficult to manage.

The firemen's union was always numerically weak and the Lake Carriers' Association had even less difficulty in subduing them than in keeping the seamen quiet. In 1899 the firemen numbered but 300. They had applied several times for admit-

[25] *Proceedings Lake Seamen's Union*, 1902, p. 16.
[26] *Ibid.*, 1906, pp. 94-95.

tance to the seamen's union, but the sailors looked upon the firemen with the same contempt as they applied to the deckhands and refused the applicants admittance. In 1899 the firemen affiliated with the International Longshoremen's Association and under the leadership of this organization increased in numbers very rapidly.

Previous to 1902 the cooks had no lake union. In the days of sail-boat supremacy, very often the cooks were members of the seamen's union. Those employed on steam-boats in 1901 who were members of any labor organization belonged either to the Hotel and Restaurant Employees' International Association or to the Bartenders' International League of America. Outside of the Buffalo local, the marine cooks formed the minority in these organizations. In 1900 and again in 1901 the Lake Seamen's Union tried to organize the cooks on the lake boats, but the opposition of the American Federation of Labor prevented. In February, 1902, the Marine Cooks' Association of the Great Lakes was formed at Cleveland.[27] Early in 1903 this union called a general convention of all cooks on the Lakes to meet in Detroit. It was here decided to withdraw from the hotel employees' and bartenders' unions and to affiliate with the Lake Seamen's Union.

The first union of steam-boat engineers on the Lakes was formed at Buffalo in February, 1854, to resist a reduction in wages.[28] The movement was successful and the union continued in existence until 1857. By this time wages were satisfactory and union activity was permitted to lapse. Wages were reduced in each of the two years following the breakup of the union. When the outbreak of the Civil War failed to restore wages to their former level, the union was reorganized on February 25, 1863, and a considerable increase in wages was obtained. Buffalo was at this time the centre of Lake Erie shipping and it was not until several years later that the operation of steam-boats became an important trade at other lake ports.

The lake engineers joined in the movement for the organization of the National Marine Engineers' Association of the

[27] *Marine Record*, Mar. 20, 1902, p. 8.

[28] *Proceedings Marine Engineers' Benevolent Association*, 1899, pp. 101-2.

United States of America which was formed at Cleveland, February 21, 1875.[29] This association was not a wage regulating union at the time of its organization, although from the beginning a minority of its members insisted that the regulation of the wages of its members should be one of its objects. It continued as a benevolent and fraternal association and in 1882 it amended its constitution to prohibit any subordinate association from dealing with the question of wages.[30] To make this policy of the association clear, the name of the organization was changed the following year to National Marine Engineers' Benevolent Association.[31]

Indirectly, however, the actions of the association did influence wages. For example, an applicant for the government license required of engineers must be recommended by two men who already held such licenses. As early as 1885 the association voted that its members must not sign such applications until given permission to do so by the nearest subordinate association.[32] The association has also given much attention to legislation affecting lake navigation, the number of men required by law to man the boats, etc., so that by these means it has influenced the supply of available engineers on the Lakes and hence, indirectly, wages.

At various times — as in 1895 and in 1899 — the association took a direct stand for wage increases.[33] It was not until the latter year, however, that the trade union minority became the majority and brought about a definite change in the policy of

[29] *Proceedings National Marine Engineers' Association*, 1875, p. 4.

[30] *Ibid.*, 1882, p. 28.

[31] *Proceedings National Marine Engineers' Benevolent Association*, 1883, p. 77. With this definite statement of policy concerning wages came a change in the attitude of the vessel owners toward the association. Formerly opposed to it because some of the local associations carried on minor strikes, the owners now gave their support to the association and in some instances refused to hire engineers who were not members.

[32] *Ibid.*, 1885, p. 320.

[33] In 1895 the president of the union asked the Lake Carriers' Association for a wage conference but was refused. *Marine Review*, Feb. 7, 1895, p. 10. In 1899 the union took part in the general demand for wage increases on the boats and after threats to strike secured an advance of 20 per cent, to take effect October 1, 1899. *Proceedings Marine Engineers' Benevolent Association*, 1900, pp. 210, 329, 330.

the organization. This change is best shown by the address of president of the association in his annual report delivered January 22, 1900. In discussing the futility of depending entirely upon legislation and the need for a change in the policy of the association he said in part:[84]

> The policy that for years has dominated our methods and procedures in their application to the establishment and continuance of suitable and just recompense for our labor, hours of service, and assistance in our particular department, has outlived its usefulness and the policy of conservatism and reserve is no longer sufficient to meet the conditions that they once overcame, for the inclination on the part of the owners, managers, agents and others to be just and fair, has given way in a majority of instances, to arrogant spirit of selfish presumption that can be met only by the defiant courage of a body of men who have not yet forgotten that we have as much right to name our price, as the great trusts of the present day have to offer remuneration that hereafter can only be spurned as not worthy of consideration, and which can only be interpreted as an attack upon the value, usefulness and integrity of a profession, without which they cannot operate, and who will hereafter see to it that they are recognized in all matters where their interests are involved, or where their comfort, their manhood, and their self-respect are at stake. . .
>
> The people with whom we are dealing must be made to understand that the Marine Engineers of this country have discarded the swaddling clothes of timidity, humiliation and fear, and that they stand forth today, happy in the knowledge that the door of opportunity stands wide open, that at last they are awake, and henceforth will work under conditions that will in a sense, guarantee some adequate return for the responsibilities, dangers, discomforts, and distress of our profession.

This declaration launched the marine engineers upon a campaign as a militant union which was destined to give vessel owners much concern for several years.

The history of associations of captains or masters up to this time is somewhat like the history of the Marine Engineers' Benevolent Association; having in common the absence of aggressive unionism. Formerly mates, and occasionally a captain who did not own his boat were members of the seamen's union. This was not the general practice except as the seamen tried on one or two occasions to force the masters into their union in order to fortify themselves against discrimination by the owners since the master hired the men.

As already noted, the introduction of the steam-boat, involving a large investment of capital and a heavy overhead expense,

[84] *Proceedings Marine Engineers' Benevolent Association*, 1900, p. 210.

forced a change in methods of navigation which in turn demanded a different type of men to command the boats. The line managers at Buffalo were the first to insist that their captains obtain more knowledge of navigation and suggested the establishment of a nautical school for this purpose. The masters rebelled and refused to be considered novices at their trade or profession. At the same time some of the more thoughtful recognized the change taking place in lake navigation and offered as a substitute an association of the masters themselves. Accordingly, on March 2, 1886, the Excelsior Marine Benevolent Association was formed by the captains at Buffalo.[35] One of the objects of the new association was "to discuss matters of benefit to those in our calling, so as to make us more desirable to the owner of the craft we navigate." In 1887 organizers were sent out to other ports and other locals were formed.[36] In 1891 a general organization was formed, retaining the name of the original Buffalo local. In 1893 the name was changed to Ship Masters' Association.[37] Except for its beneficial features, this association has always been more closely identified with the owners' associations on the Lakes than with the marine trade unions.

Parallel with this association another and more inclusive organization developed, including in its membership masters and mates on the Lakes. On January 17, 1887, the American Brotherhood of Steamboat Pilots was formed in New York City as a benevolent and fraternal association.[38] In 1893 its name was changed to American Association of Masters and Pilots. For some time it gained little support on the Lakes because of the success of the Ship Masters' Association. The latter soon came to be influenced largely by the boat owners, many of whom had once been captains and members of the association. Some of these retained their membership even after leaving the boats.

[35] Beers, *op. cit.*, p. 491. The organization of this association did not immediately satisfy the owners, however, for during the same year the Lake Carriers' Association started a school for masters and mates at Buffalo and gave serious consideration to a proposal not to hire in 1887 any but those who could pass the examination conducted by their school. *Annual Report Lake Carriers' Association*, 1886, p. 9.

[36] Beers, *op. cit.*, p. 492-3.

[37] *Marine Review*, Jan. 26, 1893, p. 6.

[38] Beers, *op. cit.*, p. 495.

Other owners were warm personal friends of members of the association and through their friendship helped to influence the policy of the organization. Gradually, as the Ship Masters' Association became more conservative, and as the American Association of Masters and Pilots became more radical and wage-conscious, the latter seemed to many masters on the Lakes to more nearly meet the needs of their calling and it gained in strength. Especially was this true in 1899 and the following years when the general labor unrest on the boats spread to many of the younger captains and mates.[39] Other short-lived fraternal and benevolent associations of masters and mates on the Lakes, such as the Whales or the Lake Pilots' Aid Association, had ceased to exist by 1899 and hence had no influence upon the period of trade agreements which began at this time.

[39] *Marine Record*, Jan. 31, 1901, p. 7; Feb. 28, 1901, p. 8; March 14, 1901, p. 7; July 18, 1901, p. 6; etc.

CHATER III

TRADE AGREEMENTS

At the time of the amalgamation of the Cleveland Vessel Owners' Association and the Lake Carriers' Association, each was composed of fleets aggregating about 300,000 tons. During the first year of the reorganized Lake Carriers' Association, the enrolled tonnage was as follows:[1]

	Number of Boats	Tonnage
Steamers	360	430,880
Schooners	255	149,039
Total	615	579,919

This tonnage increased to 842,248 in 1900.[2] In the meantime the character of enrolled ships underwent a great change. The schooners largely dropped out of the association as did also the steam-boats under 1200 tons and the fleets composed entirely of vessels under 1400 tons.[3] By 1900 the Lake Carriers' Association had became an organization of ore carrying boats and the schooners and smaller steam-boats had been relegated to the lumber trade.

In 1897 the Bessemer Steamship Company, with a tonnage of 48,661, constituted but 7 per cent of the tonnage of the Lake Carriers' Association; while the eight largest fleets in the association made up less than one-third of its tonnage. By 1900 the Bessemer fleet had increased to 114,964 tons which was but 13.6 per cent of the enrolled tonnage of the association. Nevertheless the appearance of the Bessemer fleet was the signal for opposition on the part of independent vessel owners who feared a Rockefeller-Carnegie combination which would deprive them of their business. The steel producers, with the notable excep-

[1] *Annual Report Lake Carriers' Association*, 1893, p. 3.
[2] *Marine Record*, Jan. 17, 1901, p. 10.
[3] *Ibid.*, Jan. 18, 1900, p. 20; Jan. 16, 1902, p. 13.

tion of the Carnegie Steel Company, had for a number of years carried a part of their own ore and collectively had exerted enough influence upon lake traffic to defeat previous attempts by the independents to regulate ore freight rates. But when freights fell to the lowest point in the history of lake traffic in 1897 and 1898, the independent vessel owners gave an undue share of the blame to the Bessemer Steamship Company and again planned to regulate ore rates.[4] In the rush for a share of the great profits which resulted from carrying ore during the two prosperous years which followed, the plan was abandoned.

The temporary success of the Rockefeller interests in boosting freights in 1899 prompted the formation of the Pittsburg Steamship Company by the Carnegie interests at the close of that season.[5] Starting with six boats at the beginning of the following season, it soon increased the number to twelve and planned the building of a ship-yard at Conneaut. Although the Rockefeller interests had succeeded in maintaining an artificial standard of freight rates, the high charter fees paid to the independents had absorbed most of the profits. This fact, together with this possibility of a rival Carnegie fleet, induced the Rockefeller interests to sell out to the Carnegie Steel Company in August, 1900.[6]

Then came the organization of the United State Steel Corporation. When first announced nothing was said about the purchase of mines or boats, but in March, 1901, it was announced that the former Rockefeller interests on the Lakes, including the Bessemer Steamship Company, had been absorbed by the Steel Corporation.[7] In addition the Pittsburg Steamship Company, the Steel Corporation fleet, purchased other fleets so that in 1901 it owned 112 boats having an aggregate tonnage of 285,-

[4] The real basis for complaint by the independents was the fact that their boats have always been used merely to carry ore which the boats owned by the furnace interests cannot handle. In a dull season such as 1897 it could easily happen that the furnace interests could carry all the ore they needed. Their boats were kept busy during both dull and heavy seasons, while they employed outside tonnage only when the demands for ore exceeded their own carrying capacity.

[5] *Marine Record*, Nov. 16, 1899, p. 11.

[6] *Ibid.*, Aug. 16, 1900, p. 6.

[7] *Ibid.*, Mar. 21, 1901, p. 6.

565 tons, or 33 per cent of all tonnage enrolled in the Lake Carriers' Association.[8]

Having absorbed the Rockefeller fleet and finding the independents fighting each other for charters, the reorganized Pittsburg Steamship Company had little difficulty in ruling ore freights in 1901. The independents again discussed combination to maintain rates, but the uncertainty of securing charters for all, in the presence of a single shipper owning a fleet with a carrying capacity of more than one-third of the ore to be brought down the Lakes caused a rush for charters instead.[9] As a result ore freights fell from $1.05 in 1900 to $.84 in 1901, in spite of the fact that the boats were held at the dock until the middle of May by the engineers' strike.[10] During the year the absolute power of the new fleet was demonstrated when independent vessels were held up at both the upper and the lower docks to permit the Pittsburg Steamship Company's boats to exercise greater dispatch in loading and unloading their cargoes.[11] These delays caused considerable loss to the independent owners. Nevertheless the independents were largely dependent upon the Steel Corporation for their cargoes so that they dared not complain. A further decrease to $.76 per ton was experienced in 1902.

Vessel owners had never been regular attendants at the meetings of the Lake Carriers' Association, leaving the management in the hands of the executive officers. In fact, the association had existed only from year to year. Not all of its membership was constant and members withdrew from or joined the association according as its policy displeased or pleased them.[12] This was especially true of the independents in regard to the labor policy of the association. One of the greatest offenders in this respect was the owner of the largest independent fleet, a man who in 1901 controlled over 11 per cent of the tonnage of the asso-

[8] The total tonnage in 1901 was 874,203 tons. *Annual Report Lake Carriers' Association*, 1901, pp. 19-20.

[9] *Marine Record*, Apr. 11, 1901, p. 7.

[10] Also ore shipments were nearly 8 per cent greater in 1901 than in 1900.

[11] *Ibid.*, Dec. 5, 1901, p. 7.

[12] *Proceedings Lake Carriers' Association, passim.*

ciation.[13] If an increase in wages was granted by the association and he believed he could secure non-union men at lower terms, he often refused to abide by the ruling of the association and withdrew for a time. On the other hand, if an increase in wages was demanded and refused and a tie-up of traffic was threatened, he never failed to grant the union's demands if by so doing he could operate his boats and secure profits while others were idle at the dock. In this policy this fleet was followed by others of smaller size but which, taken together, at times forced the Lake Carriers' Association to change its decision.

Being a purely voluntary, year-to-year organization, the association had no power to discipline members who violated its rules or refused to abide by majority vote. Meantime the power of the Steel Corporation as a boat owner was feared by other members of the association and the organization of the corporation's fleet almost disrupted the association. Owning the most up-to-date boats on the Lakes, and being able at all times to drive their vessels to the limit, the owners of this fleet expected to secure the most efficient men available to man their boats and were willing to pay high wages to such men. Other members of the association recognized that a standard so set would be forced upon them also. Hence they sought a means to control the payment of wages to all employees on the Lakes. A third factor which aided in bringing about a reorganization of the Lake Carriers' Association was the growing strength of the unions, including at this time every man on the boats from the captain down.

The Bessemer Steamship Company's insistence upon a business-like management of its vessels was but a beginning to the changes which took place when the United States Steel Corporation assumed control in 1901. Captains were shifted about from boat to boat in the interests of efficiency.[14] They were no longer permitted to hire their men but every employee on the boat, from the chief engineer to the deckhand, was supplied by the management on shore. It had been customary for the captain, upon reaching a port near his home, to visit his family while his boat was being loaded or unloaded. Now this privilege was de-

[13] *Proceedings Lake Carriers' Association*, 1901, p. 18.

[14] *Marine Record*, June 20, 1901, p. 6.

nied him and he was not permitted to leave port except by permission of his manager.[15] In these and other ways the reins over the captain were gradually tightened until he came to feel that he had no greater privileges or authority and was considered of no greater importance than a deckhand.

At its annual convention in January, 1901, the Marine Engineers' Benevolent Association made a new classification of lake boats,[16] involving a demand for more help in the engine room and a considerable increase in wages.[17] The demands were presented to the Lake Carriers' Association on January 26, 1901. At first they were ignored by the Lake Carriers' Association but later the president of the union was told that he must deal with the individual owners.[18] Being protected by their licenses so that strike breakers could not be secured to take their places, the union set a date for settlement and threatened increased demands if their original terms were not complied with. A strike was called on February 27 and owners outside of the association hastened to accept the classification proposed by the union.[19] Members of the association were more hesitant about accepting the union's terms but by May all of the owners, acting individually and including the Pittsburg Steamship Company, had made peace with the union upon terms which gave its members all their original demands and a wage scale considerably in advance of that at first submitted.[20]

To prevent a repetition of such a strike, the Pittsburg Steamship Company, at the close of the season of 1901, asked its engineers to sign individual contracts which would permit it to hold back the first month's pay in order to insure continuous

[15] *Marine Record*, Sept. 5, 1901, p. 7.

[16] Formerly this was done by the Lake Carriers' Association alone, without consulting with any of the employees. *Marine Record*, Jan. 31, 1901, p. 10.

[17] *Proceedings Marine Engineers' Benevolent Association*, 1901, p. 159.

[18] *Annual Report Lake Carriers' Association*, 1901, p. 10.

[19] *Proceedings Marine Engineers' Benevolent Association*, 1901, p. 233.

[20] *Marine Record*, May 2, 1901, p. 7. Aside from increases in wages, the chief gain for the union was an increase in the number of assistants on the boats. In discussing this gain the president of the union said: "Steamers that have never carried oilers are now carrying one, and in many cases two." *Proceedings Marine Engineers' Benevolent Association*, 1901, p. 244.

service throughout the season.[21] The officials of the union advised against this policy, fearing that a few contracts might prevent any aggressive action by the organization. In spite of this warning a small number of contracts were signed for the season of 1902. However, they were not numerous enough to warrant any wage reductions by the Pittsburg Steamship Company in case any such action was contemplated. In addition to these contracts, the Pittsburg Steamship Company declared a bonus to their engineers for the season of 1901, ranging in amount from $77 to $100, to be paid when the engineer had actually started to work for the season of 1902.[22]

Neither the Ship Masters' Association nor the American Association of Masters and Pilots took any part in the engineers' strike of 1901.[23] After failing to induce either of these associations to act, a small number of captains, some of whom were members of one or both of these organizations, formed a new organization in March, 1901, to help the engineers. They called it the Ship Masters' Protective Association.[24] It did not gain sufficient strength of numbers to be of use to the engineers and after the settlement of the strike it disbanded.

Under the restrictions imposed by the Pittsburg Steamship Company throughout the season of 1901, the captains became more and more dissatisfied and the hitherto small minority in favor of a trade union began to increase in strength. Throughout the season unionism was urged until by fall the masters and mates on the Lakes were pulling in three directions: Those in control of the Ship Masters' Association constituted the conservative wing and advocated closer relations with owners rather than any action which would incur their enmity. Those in control of the American Association of Masters and Pilots proposed sufficient action to restore to the master his former authority on the boat, but without at the same time forcing him to sacrifice his individual rights in dealing with his employer. The radical wing proposed the withdrawal of the lake members of the American Association of Masters and Pilots and the reorganiaztion of

[21] *Proceedings Marine Engineers' Benevolent Association*, 1902, p. 252.
[22] *Marine Record*, Jan. 23, 1902, p. 7.
[23] *Ibid.*, Mar. 21, 1901, p. 7.
[24] *Ibid.*, Mar. 7, 1901, p. 6.

the Ship Masters' Protective Association on distinctly trade union lines.[25] At the beginning of the season of 1902 such reorganization was actually attempted but again failed to gain sufficient support to make it effective.[26]

At the opening of navigation in 1902 the firemen demanded an increase in wages.[27] The Pittsburg Steamship Company took the initiative in calling a conference of vessel owners to take some action in reaching an agreement with the firemen. Some of the owners objected to this method of procedure as did the union members who feared that the lack of responsibility on the part of the owners, meeting informally, would not insure the acceptance of a new scale by all vessel owners. It was finally decided to leave the settlement to the Lake Carriers' Association and the union. Since the association had no power to discipline its members in case of violation of its rules, the settlement as finally agreed upon made the individual owners rather than the association responsible for the faithful observance of its terms. The agreement fixed wages at $45.00 per month until September 1, and at $52.50 per month for the remainder of the season.[28]

The firemen had acted independently in this matter and had not consulted the seamen. Hence the latter were not included in the advance promised for September 1. Spring wages for seamen were $45.00 for able seamen and $25.00 for deckhands.[29] The latter were not members of the seamen's union at that time. Although it was customary to raise wages in the fall, the seamen had no assurance of an increase as had the firemen. When September came the seamen too demanded an advance to $52.50 and were at first refused.[30] But realizing the strength of the union and the inability of the Lake Carriers' Association to hold together in case of a threatened tie-up of their boats, the owners granted the demand to take effect October 1. The seamen were asked to make the new scale rule for the remainder of the season. This request was refused. Instead, on November 1 they de-

[25] *Marine Record*, Dec. 26, 1901, p. 6.

[26] *Ibid.*, Jan. 30, 1902, p. 11.

[27] *Ibid.*, March 20, 1902, p. 7.

[28] *Ibid.*, Mar. 27, 1902, p. 11.

[29] From data furnished the writer by the secretary of the Lake Carriers' Association.

[30] *Marine Review*, Sept. 4, 1902, p. 26.

manded and received another advance to $60.00 per month.[31] Although the fireman had agreed to finish the season at $52.50, this second advance to the seamen called for an equal advance to the firemen to prevent a strike by that union.

Anticipating the final outcome of the growing strength of the labor organizations on the Lakes in 1899 and 1900, the owners, at the end of the latter season, sought a means of counteracting union activity. In December, plans were laid to form an organization to include all men employed on the boats; such organization to be managed and controlled by the Lake Carriers' Association under the name of Lake Carriers' Beneficial Federation.[32] In order to overcome expected opposition from union leaders it was proposed that this federation be a sort of accident insurance association and that membership in it would not debar an employee from membership in any other organization. At the same time it was expected that membership in such an organization would insure greater loyalty to employers and greater continuity of service on the boats. In one of his letters to the vessel owners, explaining the benefits of the federation to the employers, the secretary of the Lake Carriers' Association made it clear that the owners would be expected to give preference in employment on their boats to holders of benefit books and that "unfaithfulness" in service would cause the forfeiture of the book and all claims to the fund.[33]

The plan for the federation was definitely announced in January, 1901, and some of the captains were notified to see to it that the men on their boats made application for membership. Because of the weakness of the loose organization of owners in the Lake Carriers' Association, it was announced that the plan would not be put into operation unless 90 per cent of the owners agreed to it.[34] The engineers' strike in the spring of 1901; the very outspoken opposition of all union leaders, backed by the almost unanimous union sentiment in all branches of labor on the boats; the growing dissatisfaction of the captains and the consequent uncertainty of their support in case of trouble with

[31] *Marine Review*, Nov. 20, 1902, p. 17.

[32] Contemporary numbers of *Marine Review, passim* and pamphlet entitled *Welfare Plan*, issued by the Lake Carriers' Association in 1909.

[33] *Marine Record*, Jan. 10, 1901, p. 7.

[34] *Ibid.*, Feb. 21, 1901, p. 10.

the other employees; and the independent owners' distrust of Steel Corporation control all combined to defeat the plan. When it was found that the requisite 90 per cent of the vessel owners were unwilling to sanction the formation of the federation, the Lake Carriers' Association announced that labor conditions rendered a test of the plan "inexpedient" at that time and that the matter would be held in abeyance; but that the work already done "will be available in the future if the time shall come when the members of the Association desire to revive the plan." [35]

Although victorious for the moment, some of the union leaders foresaw some of the possibilities of a revival of such a plan by the vessel owners and immediately increased their activities in two directions: First, to increase their own membership; and second, to get into closer relationship with other employees engaged in lake traffic.

Previous to this time the relations of the organizations on the Lakes which called themselves unions had been cordial, for the most part. When unionism revived in Chicago in 1877-1878 the man most instrumental in organizing the longshoremen also took the initiative in organizing the seamen. During the following decade these unions usually relied upon each other for support in time of strike. At the beginning of the season of 1888 the formation of a trades council of lake unions was discussed but no action was taken.[36] Again in 1890 when the Seamen's Assembly was little more than a name and when withdrawal from the Knights of Labor was under discussion, a proposal was made to the longshoremen for the formation of an Interstate Union of Sailors, Vessel Loaders, and Unloaders.[37] Before the plan could be adopted the seamen withdrew from the Knights of Labor and for a time succeeded independently. In 1891 both the longshoremen and the seamen became affiliated with the American Federation of Labor. The coöperation idea continued in the minds of its originators but now became federation rather than amalgamation.

This idea took definite form in December, 1891, in the organization of the Marine Trades' and Labor Council of the

[35] *Annual Report Lake Carriers' Association*, 1901, p. 10.
[36] Journal of Lake Seamen's Union, in ms., Feb. 28, 1888.
[37] *Ibid.*, Dec. 9, 1890.

Great Lakes, including in its membership unions of longshoremen, ship carpenters and caulkers, salt unloaders, and seamen. It was expected that the unions of coal shovelers and hoisters, iron ore trimmers, grain trimmers, coal unloaders, and marine engineers would join also. The original council continued an indifferent existence for four years. It was given no power and while its advice was plentiful not even the delegates who framed its resolutions heeded them while sitting as members of their own unions.[38]

In the meantime the longshoremen had formed an international union in 1892. The seamen in the same year had formed the International Seamen's Union. The latter had given up their industrial union idea of including in their organization "every man on the Great Lakes who is employed in any capacity connected with the Lakes" and had but gradually indeed permitted men of their own class employed upon steam-boats to join their organization. On the other hand, the longshoremen, beginning in 1892 as an international union of lumber shovers, had steadily extended their jurisdiction until by 1901 they included the following trades: lumber handlers; coal handlers; coal, grain, and ore trimmers; ore handlers; hoisters and engineers; car dumpers, pinchers and wall trimmers; freight handlers; grain scoopers; marine firemen, oilers, and water tenders; stationary dockfiremen; marine divers, helpers, tenders and steam pump operators; top dock men; general dock laborers; mill men; lumber inspectors and sealers; and lumber pilers and yard men.[39]

Except for occasional aid given to vessel owners or dock managers in furnishing strike breakers when the other union was on strike, these two organizations maintained an indifferent attitude toward each other during the decade following 1892. The seamen raised no objection to the expanding policy of the longshoremen until the marine firemen, oilers, and water tenders were absorbed in 1899. As already noted the seamen had themselves refused admittance to the firemen on several occasions. But when the International Longshoremen's Association accepted the firemen, the seamen appealed to the American Federation of Labor

[38] Journal of Lake Seamen's Union, in ms. *passim*.

[39] *Procedings International Longshoremen's Association*, 1901, pp. 48 *et seq.*

for jurisdiction over this class of labor on the Lakes.[40] This started a jurisdictional fight which weakened both organizations in their dealings with their employers.

The proposal of the Lake Carriers' Association in 1901 to form a federation of all employees on the boats, to be managed and controlled by the vessel owners, aroused the unions to a renewed effort to band together for mutual protection. The marine council idea was revived. The Milwaukee unions took the lead and organized a council composed of representatives of the following unions: International Longshoremen's Association; Marine Engineers' Benevolent Association; American Association of Masters and Pilots; Licensed Tugmen's Protective Association; Marine Firemen, Oilers, and Water Tenders' Union; and Lake Seamen's Union.[41]

These councils existed throughout 1902 but never became a factor in the labor movements on the Lakes for the following reasons: First, as before, the councils were given no powers but were merely advisory bodies. And second, the aristocracy of labor prevented a close coöperation of unions. The captains considered themselves to be on a higher plane than the engineers and refused to join in a movement demanding an equality of interests.[42] The engineers in turn considered the masters to be ignorant sailors with sufficient experience and years of service to gain for them a position to command other sailors. Both captains and engineers looked with disdain upon all other classes of labor on the Lakes. The seamen continued to hold themselves aloof from the firemen and longshoremen since their work required a higher degree of skill and intelligence and hence attracted the most desirable of the unlicensed men.

Finally, the unions were individually too strong to make effective coöperation necessary. With the exception of the captains, no class of labor on the boats had failed to secure its demands from the vessel owners since the beginning of the boom period on the Lakes in 1899. The failure of the captains was due to their own inability to work together rather than to a lack of outside assistance. In the face of these successes, the fear of a re-

[40] *Proceedings International Seamen's Union*, 1902, p. 9.
[41] *Marine Record*, Nov. 11, 1901, p. 11.
[42] *Marine Review*, Feb. 8, 1906, p. 34.

vival of the federation by the Lake Carriers' Association was not sufficiently marked to force the unions to make concessions to each other. Above all, the other unions were unwilling to make concessions to the longshoremen which would in any sense recognize the equality of the latter. While the longshoremen, being at the bottom of the list, did not hesitate to admit to its membership any class of labor; but being one of the strongest unions on the Lakes, it refused to relinquish any of its power to a weaker organization. Hence the movement, begun for coöperation, soon developed antagonism instead.

The men who were responsible for the policies of the International Longshoremen's Association were industrial unionists in the extreme sense.[43] In 1901 they started to organize the marine engineers and hoped to absorb the lake membership of the Marine Engineers' Benevolent Association. Some of the lake members of the latter organization were favorable to such a plan and one local was actually organized but the general association defeated the scheme at its annual convention in 1902. Both the International Longshoremen's Association and the Lake Seamen's Union tried to break up the organiation of cooks in the Hotel and Restaurant Employees' International Association and in the Bartenders' International League and to induce them to join their own organizations instead. Attempts were made by the Longshoremen's Association in 1901 to induce the captains, mates, and seamen to affiliate with them but they were unsuccessful.[44]

In 1902 more strenuous efforts were made to make the International Longshoremen's Association a more inclusive organization and in the convention of that year a suitable name to describe the type of organization desired by the leaders was discussed. Among the names proposed were the International Marine and Railway Freightmen's Association and the International Association of Marine and Transport Workers. The name finally adopted was International Longshoremen, Marine and Transport Workers Association.[45] The adoption of this name

[43] Each annual report of the officers urged the extension of the jurisdiction of the union to cover all employees engaged in the transportation industries.

[44] *Proceedings International Longshoremen's Association*, 1901, p. 49.

[45] *Ibid.*, 1902, p. 160.

was considered a declaration of war by the Lake Seamen's Union [46] — a war which lasted for six years and which was a continual source of weakness to both unions in dealing with employers. The Lake Carriers' Association utilized this union war in playing one antagonist against the other whenever occasion required it.

The attempts of the independent vessel owners to maintain ore freights in 1901 had failed; instead a new competitor, owning one-third of the tonnage in the Lake Carriers' Association and carrying more than one-third of the ore, and at the same time shipping more ore than all other shippers on the Lakes, had come to dominate freight rates. An attempt to form a labor federation to defeat the purposes of the unions had likewise failed because the vessel owners could not work in harmony. While in the wake of this failure every branch of labor on the boats, except the captains, had forced increases in wages from the vessel owners. By the end of 1902 the Lake Carriers' Association was besieged from without by the growing power of unionism and from within by the fear of "trust" dictation and by the underhand methods of a floating membership which worked in harmony with the majority only when personal gains could be increased by adherence to the rules of the association.

In an attempt to fortify themselves against the unions, the Steel Corporation, and the floating membership in the Lake Carriers' Association, a number of the vessel owners planned a complete reorganization of the association at the end of the season of 1902, involving a definite change in its policy in deal-

[46] The American Federation of Labor was appealed to for a settlement of the differences between the two organizations as early as 1902. *Proceedings International Seamen's Union*, 1902, p. 9. The A. F. of L. referred the matter back to the two unions for the purpose of inducing them to reach a satisfactory agreement without outside interference. Four years later, the feeling had become more bitter than ever and the A. F. of L. finally held a hearing on the controversy in April, 1906. The decision was not rendered until June, 1907. It was so favorable to the seamen that the longshoremen rejected it at their next convention. In the award was an order for the seamen and the longshoremen to establish some form of federation. *Ibid.*, 1907, *passim*. But before anything could have been accomplished in this direction, even if the two organizations had been favorable to such a plan, both unions were involved in difficulties with their employers.

ing with labor.[47] The first plan of reorganization which was discussed excluded the Pittsburg Steamship Company from membership.[48] This seemed to be satisfactory to the management of this company since it opposed any reorganization of the association. A reconsideration of the proposed plans gave the company an opportunity to join but found the manager in a non-receptive mood.[49] Only after numerous conferences, involving certain changes in the plan of reorganization, was the committee able to induce him to enroll his fleet in the association.

The reorganization was completed in January, 1903, and the association was incorporated under the laws of West Virginia. The objects of the association, as stated in the articles of incorporation, were as follows:

> To establish and maintain shipping offices for the convenient securing of seamen for vessels on the Great Lakes, their connecting and tributary waters; to establish and maintain and procure the establishment and maintenance of aids to navigation; and improve and secure the improvement of channels, docks, wharves, loading and unloading and terminal facilities; to establish and maintain, by contract or otherwise, such amicable relations between employers and employed as would avoid the public injury that would result from lockouts or strikes in the lake carrying service; to provide, so far as may be, for the prompt and amicable adjustment of matters affecting shipping and the interests of vessel owners on the Great Lakes and their connecting and tributary waters, and to lease, rent, purchase or sell such real or personal property as may be necessary or convenient in carrying out the foregoing purposes.[50]

The capital stock of the association was apportioned according to the enrolled tonnage of each fleet, one share being allotted for each 100 net tons.[51] Management of the affairs of the association was vested in a board of directors of twenty-one members.[52] This opened the way for control by the large fleets.

Previous to this time the labor policy of the vessel owners,

[47] *Marine Review*, Dec. 18, 1902, p. 22.

[48] *Ibid.*, Jan. 3, 1903, p. 25.

[49] *Ibid.*, Jan. 29, 1903, p. 23; Feb. 5, 1903, p. 22.

[50] Articles of Association of the Lake Carriers' Association, 1903, art. iii.

[51] *Ibid.*, 1903, art. vii.

[52] By-laws of the Lake Carriers' Association, 1903, art. vi. Control was further concentrated by forming within the board of directors an executive committee of five members authorized to exercise all the powers and functions of the board when the board was not in session. *Ibid.*, art. vii.

first in the Cleveland Vessel Owners' Association and later in the Lake Carriers' Association, had been one of open non-union shop when unions were weak and closed non-union shop — closed against the unions — when unions were strong. As already related, this had resulted in occasional open conflicts, from which the owners usually returned victorious, followed by continuous guerrilla warfare involving endless trouble for the owners and considerable losses to the unions. During the four prosperous years preceding the reorganization of the Lake Carriers' Association, the demand for men had been great and the owners could not risk tie-ups of their boats by refusing the demands of the unions. Because there had been these four years of high freights on a very rapidly increasing tonnage, following two lean years, the owners gave less attention than usual to the unions and permitted the latter to gain a position which seemed to insure continuous control of wages.

Lake traffic had always been a chance investment. There never was any certainty that freights would pay the running expenses of the boats. On the other hand, seasons which returned in profits half or even full value of the boats had not been unknown. This was especially true of small boats whose safety was endangered even in the ordinary storms on the Lakes. Then too, the element of chance in freight changes was so great that in the early days season charters were the exception rather than the rule. In an anticipated dull season the shipper refused to grant charters, preferring to rely upon the competition for cargoes to reduce freight rates; and in a boom season, the carriers took advantage of the competition for boats to reap the profits from increasing rates. The range and frequency of these rate fluctuations is shown in the following table:[52]

RULING FREIGHT RATES ON ORE FROM ESCANABA TO LAKE ERIE PORTS

Date	Rate	Date	Rate
May 1	$0.60	August 2	1.00
May 29	0.55	August 4	1.10
June 24	0.65	August 6	1.00
July 6	0.75	August 12	0.90
July 21	0.80	September 10	1.00
July 30	0.85	September 23	1.05

[52] *Marine Review*, Dec. 17, 1891, p. 3.

September 26	1.00	October 30	0.85
October 3	0.90	November 1	0.90
October 5	$0.85	November 3	1.00
October 8	0.75	November 6	1.20
October 10	0.65	November 10	1.25
October 12	0.75	November 12	1.30
October 23	0.85	November 19	1.25
October 26	0.80	November 22	1.30

Likewise, wages were never settled and often fluctuated 300 per cent or more within a season. Previous to the late nineties, the system of employing men by the trip instead of by the month was universal. This usually involved idle days in port since the men were discharged as soon as port was reached and were not hired again until the boat was ready to start. Since the management of the men while on the boats had not been such as to encourage the men to return to that boat for the succeeding trip, it became the custom for all below the rank of licensed officers to be floaters. Furthermore, the men employed on the boats were usually single men and had no ties to bind them to a job. This combination of the chance element of high wages or no wages; of work days of long hours, fatiguing work, poor food, unsanitary living conditions, and ill treatment by the officers of the boat, followed by idle days in port spent in drunkenness and carousals; and the lack of ties which make men look to the future and try to provide for it, served to attract to the Lakes an irresponsible set of men and to make them more unsteady and irresponsible the longer they remained on the boats. As opportunity offered, these men not only shifted from boat to boat but from the lake trades to other work of similar grade. In the summer it was next to impossible to hold the men on the boats when the upper lake ports were reached for the high wages of the harvest fields offered too strong an appeal. After a few weeks some of them drifted back to the Lakes only to answer the call of high wages again when a chance came to work in the logging camps.[54] Even without the promise of higher wages or a change of work, many of these men could not be held at work they were expected to perform and they became instead habitual deserters. Especially among deckhands and firemen, the deserter was the rule at certain seasons of the year, while the man

[54] *Marine Record, passim.*

who remained on the boats throughout the sailing season was the exception.

The size of the ore carrying boats increased 50 per cent from 1898 to 1902. This fact, coupled with increased knowledge of lake water courses, better facilities for transportation through locks and connecting rivers, and greater efficiency in the management of the boats, had increased the safety of navigation. These factors tended to decrease the risks of the vessel owner and to make his gross income for the season more definite and more secure. On the other hand, the Steel Corporation had appeared as the shipper of a large share of the ore and as a boat owner with a very great influence upon freight rates. Furthermore, competition was increasing: 26 boats with a tonnage of 114,284 tons were constructed in 1900; 34, of 116,671 tons in 1901; and 35, of 142,195 tons in 1902.[55] This continued increase in the available lake tonnage gave the independent boat owners a greater incentive for making sure of business throughout the season by securing season charters.

A large element in the boat owners' expenditure was wages. Up to this time little had been done to make season wages certain, although they had already been made more steady during the past few years than formerly. Only a contract for the season could remove this uncertainty. It was out of these conditions that the trade agreement on the boats evolved. And it was with this purpose in mind rather than to continue the fight against the unions that the Lake Carriers' Association prepared for reorganization at the close of the season of 1902.[56]

The vessel owners had never in the past conceded the right of an employee to have a voice in fixing his wages or the conditions under which he worked. It had been customary for both unions and owners to frame a scale of wages. Might decided which scale should rule. In signing contracts with the unions at this time the policy of the owners did not change. Since 1899 might had been partly at least with the unions. Signing the contract meant to the Lake Carriers' Association merely that the vessel owners were trying to define the terms which they expected the

[55] *Marine Review*, Feb., 1910, pp. 64-65.

[56] The Pittsburg Steamship Company at first opposed the reorganization because it did not wish to give up to the association the right to deal directly with the laborers on its boats. *Ibid.*, Jan. 22, 1903, p. 18.

might of the unions would exact of them with or without such an agreement. At the same time the owners were trying to place responsibility for the faithful observance of the terms agreed upon.

The Lake Carriers' Beneficial Federation was planned in 1901 to standardize conditions on the boats and to secure greater responsibility on the part of the employees upon terms satisfactory to the vessel owners. The weakness of the association and the strength of the unions prevented the fruition of this plan. The trade agreements of 1903 with the unions representing the employees below the licensed officers were granted by the Lake Carriers' Association to standardize conditions on the boats and to secure greater responsibility on the part of the employees upon terms acceptable to the unions.

The idea of a trade agreement was not new on the Lakes. As early as 1889 the Lake Seamen's Union had asked the ore carriers represented in the Cleveland Vessel Owners' Association for a conference for the purpose of drawing up an agreement.[57] To be sure the union was weak at this time and reversed its position two years later. But beginning in 1899 representatives of the Lake Seamen's Union and of the firemen's union attended the annual conventions of the Lake Carriers' Association and asked for agreements.[58] Since 1899 the Lumber Carriers' Association and the dock managers had had agreements with their employees and even the Lake Carriers' Association had a contract with the grain scoopers at Buffalo. As a matter of fact the methods employed by the association in dealing with the men on the boats in 1901 and 1902 practically amounted to an agreement.

As soon as the association was reorganized and it became known that it expected to deal with the unions, the latter planned for conferences and drew up terms to be submitted. The American Association of Masters and Pilots submitted a classified wage scale for masters and mates.[59] Without "recognizing" this organization, the Lake Carriers' Association reached an understanding with its representatives concerning wages for the season, granting a monthly scale to mates which was about 20

[57] *Cf. supra*, p. 17.

[58] From ms. records of these unions.

[59] *Marine Review*, Jan. 22, 1903, p. 20.

per cent higher than the wages paid in 1902.[60] The Marine Engineers' Benevolent Association was not "recognized" either, but its wage scale was accepted by the Lake Carriers' Association.[61] Before the other unions met the Lake Carriers' Association an attempt was made to have a joint conference in order to strengthen their positions in effecting an agreement. The growing animosity between the Lake Seamen's Union and the International Longshoremen's Association prevented such a conference so that each union worked alone instead.

Previous to the conference with the owners, each union met and framed a set of demands which exceeded their expectations and which they could reduce in conference without sacrificing what they thought was justly due. The agreements made by the delegates of the Lake Seamen's Union were never effective until ratified by a referendum vote of the union. This proved to be a formal proceeding only since no agreement which was recommended by the delegates was ever rejected by the union.[62] In spite of continued protests by the Lake Carriers' Association, this referendum was used year after year for it gave the union a decided advantage. In case satisfactory terms could not be secured from the Lake Carriers' Association, the proposed contract could be submitted to referendum vote of the union without recommendation or even with secret recommendation to reject it. In this manner responsibility could be shifted from delegates to union, a decided vote against acceptance of the contract would show the strength of union sentiment, and the union would have

[60] The Pittsburg Steamship Company objected to a monthly scale, desiring to make a season contract with its mates instead. One of the concessions made to this fleet at the time of the reorganization of the Lake Carriers' Association was the insertion in the by-laws of the following section: "In order to increase the efficiency of the service by systems of bonuses and profit sharing, the right and privilege shall always remain with each individual stockholder of this Association to make contracts with employees running for a year or more on such terms and conditions as may be desired." *By-laws of the Lake Carriers' Association*, 1903, art. i, sec. 1. This clause was used a great deal by this fleet. At this time the opposition of the captains' union prevented the manager of the fleet from making yearly contracts. *Marine Review*, Mar. 26, 1903, p. 22.

[61] The engineers tried to obtain recognition and a closed shop agreement but failed. *Proceedings Marine Engineers' Benevolent Association*, 1903, p. 513.

[62] Ms. records of union conferences, *passim*.

time to prepare for a strike while a second conference was being arranged.

All other unions gave their delegates power to sign binding agreements without reference back to the unions. The executive committee of the Lake Carriers' Association always had power to sign agreements binding upon all members of the association. The executive committee was always represented by the president of the association and Mr. Coubly.[63] Sometimes other members attended. In any case the president usually made formal statements while Mr. Coulby gave decisions on moot points.[64] To all intents and purposes Mr. Coulby represented the vessel owners in wage conferences.

In opening a conference the demands of the unions were always presented formally, accompanied by a statement of grievances showing why hours should be reduced, wages increased, the number of men on the boats increased, etc. The president of the association usually made a formal reply stating that the exigencies of lake traffic and the uncertainties of the current year would prevent any increases in men or wages or reductions in hours, or perhaps he would instead present a counter-demand for a reduction in wages. The clauses of the proposed contract were then taken up *seriatim* and those which were agreed upon were voted accepted on first reading. All others were passed for the time being. After going through the entire contract in this manner the union usually withdrew to consider modifications in the rejected clauses while the executive committee of the association considered substitutes for such clauses. Upon re-convening, the conference again took up such clauses *seriatim* and worked upon all except wages until some sort of a compromise was reached. Usually the unions were forced to withdraw some demands and reduce others. Occasionally they thought they were receiving a grant of some demand when a later interpretation showed that it meant something different from what the union had expected it to mean.

Wages were always left to the last. Because of the direct relationship between the wages of one class of unlicensed men and those of other classes, the Lake Carriers' Association usually

[63] *Cf. infra*, p. 60.

[64] Ms. minutes of wage conferences, *passim*.

wished to settle with the weakest union first. The wages of the cooks and seamen were usually settled at one conference and the firemen at another. In 1907 only were they all settled at once. A contract with any union affiliated with the Lake Seamen's Union was never accepted by the delegates until agreement had been reached with the other affiliated unions.[65]

The Lake Seamen's Union was given a closed union shop agreement in 1903 which classified the boats in the association, stating the number and grades of men to be employed upon each and the wages to be paid each class of men.[66] Spring wages remained the same as in the fall of 1902 but fall wages were increased approximately 20 per cent. Although but few of the deckhands had joined the seamen's union at this time, their wages were fixed in the seamen's agreement. Deserters were to be punished by being denied re-employment for a period of thirty days. Police protection for the boats was abolished but the union agreed not to strike for any cause whatsoever. In case of disagreement the men were to continue at work until the grievance could be arbitrated. The question which was hardest to settle and which caused vessel owners most trouble was the hours of labor.[67] Previous to this time the seamen were accustomed to be on duty 18 to 36 hours at a time while in port loading ore or shifting the boat.[68] For this extra work the members of the union received no extra pay.

Failing in their demands for a general observance of "watch and watch" the able seamen accepted instead a provision for overtime pay and a provision that no unnecessary work be required on Sundays or legal holidays. The regular day in port was fixed at 10 hours (between 7 A. M. and 6 P. M.) unless the

[65] Ms. minutes of wage conferences, *passim*.

[66] These agreements were always printed so that facts given here are taken from the agreements themselves.

[67] This was true at every conference with this union. Unquestionably unduly long hours had been the rule at times but when the union obtained an agreement fixing the hours of labor on the boats its members demanded a rigid adherence to the agreement at all times, regardless of the reasons for the captains' desire to use their discretion. This rigid adherence to the rule-book caused both owners and captains much trouble throughout the life of the agreement system.

[68] *Marine Review*, Mar. 13, 1902, p. 15. The average time for such work was about 26 hours.

men were given watch and watch. From the beginning this section gave a great deal of trouble since it was a direct departure from age-long custom on the boats. Furthermore, it was not fully understood by masters and men and caused trouble because of diverse interpretations. As soon as the agreement was given a trial and the source of the trouble was found, a second conference was held and "overtime" was more fully defined so as to be clearly intelligible to all concerned.

The Marine Firemen, Oilers and Water Tenders' Union, represented by the International Longshoremen's Association, was given a closed union shop agreement which defined the number of men to be employed on the boats and the wages to be paid. The spring scale gave an advance of $2.50 per month over the fall scale of 1902 and the fall scale of 1903 carried an advance of about 20 per cent. Deserters were to be punished by a refusal of re-employment for a period of 30 days. Strikes were prohibited and differences were to be settled by arbitration, the men to remain at work in the meantime.

The Marine Cooks and Stewards' Union was given a closed union shop agreement which defined the number of men to be employed upon each class of boats and the wages to be paid each. Some adjustments were made in this classification to approach more closely a fixed standard of wages, but in general the scale adopted provided for an advance of 15 to 20 per cent over the scale for 1902. The cooks had not been included in the advance to seamen and firemen in 1902. Provisions to cover desertions from the boats and the settlement of strikes were the same as in the seamen's and firemen's agreements.

Trouble started as soon as the season opened. When the mates refused to sign the season contracts offered by the Pittsburg Steamship Company the company withdrew the proposal but later punished some of the mates who had led the opposition. In September the American Association of Masters and Pilots declared a strike against the Pittsburg Steamship Company because its manager carried non-union mates, although this organization had not been given a closed shop agreement.[69] The manager ordered the boats to lay up as soon as they reached port. He kept his barges in commission, having them towed by independent

[69] *Marine Review*, Sept. 17, 1903, p. 22.

boats. The union requested the independents not to do this but upon threat of loss of Steel Corporation business they were forced to continue the practice. The Lake Carriers' Association at first supported the Pittsburg Steamship Company, but in trying to settle the strike a temporary break occurred in the association. Thus relieved of the support of the association, the manager removed the non-unionists and settled the strike.[70]

By October, 1903, the American Association of Masters and Pilots had practically a 100 per cent organization on the Lakes.[71] Finding themselves being deprived of more and more of their accustomed prerogatives by their employers on the one hand, and, on the other, having their authority questioned by the men under them who very early looked to their agreements rather than to the captain as the source of authority on the boats, the masters had been gradually forced to band together for self protection.[72] By the close of 1903 they began to make demands upon the vessel owners for the right to hire all men on the boats, chief engineers included.[73] The owners anticipated trouble for the opening of the season of 1904.

In December, 1903, A. B. Wolvin retired from the management of the Pittsburg Steamship Company and Harry Coulby

[70] *Marine Review*, Oct. 1, 1903, p. 17.

[71] Probably included all but one captain and one mate. *Ibid.*, p. 18.

[72] These changes were especially marked in the Pittsburg Steamship Company's fleet. Writing editorially concerning these changes the editor of the *Marine Review* said on October 1, 1903 (pp. 17-18): "The operation of a fleet so large as this involved certain radical changes in system. Instead of being owned by individuals whose temperament and habits, whose strength and frailties, were intimately known to those who sailed the vessels, they became owned by an indeterminate number of persons, scattered from Maine to Mexico, and known under the general classification of stockholders in the United States Steel Corporation. In other words the evolution was from the personal to the impersonal; and impersonal things must be managed in an impersonal manner. The human element is lacking. . . . There is no doubt whatever that the Steel Corporation trod on the toes of a great many captains when it extended its system of operation to the vessels. While there has been a tendency of late on the part of a number of owners to limit the authority of the master, the Steel Corporation took a long step in that direction and left him practically shorn. And it must be admitted that members of other unions on board ship did not temper the wind to the shorn lamb."

[73] *Ibid.*, Aug. 20, 1903, p. 24.

succeeded him.[74] Mr. Coulby had been manager of the Picands and Mather fleet and of the Great Lakes Towing Company, familiarly known as the Tug Trust. He was already an influential member of the executive committee of the Lake Carriers' Association. As president and manager of the Pittsburg Steamship Company Mr. Coulby has dominated the labor policy of the Lake Carriers' Association since December, 1903. The source of his power is three-fold: First, his position as executive head of the largest fleet on the Lakes; second, his relation to the Steel Corporation, which in addition to owning this fleet, ships more ore down the Lakes than do all other shippers together; and third, his personal qualities which alone make him a leader whose counsel would be sought by other men in his business.

[74] *Marine Review*, Dec. 24, 1903, p. 23.

CHAPTER IV

DISRUPTION OF THE UNIONS

In general the agreements of 1903 were a marked improvement over previous methods of dealing with labor on the boats. The friction which accompanied the introduction of the contract plan gradually disappeared as the parties came to understand each other better. In the cases of some obstreperous individuals, however, notably among the firemen, the agreement served only to make them more irresponsible and more difficult to control. They often refused to do what the "red book" did not specifically require of them and even then their interpretation of its requirements was not always correct. Such cases were perhaps exaggerated in number and importance when related by those who were aggrieved. Nevertheless the inability of the union officials to exercise complete control over their members from the start caused some of the vessel owners to hesitate about renewing agreements for 1904. The internal difficulties of the Lake Carriers' Association had largely been eliminated by the close of the season of 1903, due partly to the fact that some misunderstandings had been removed and partly to the degree of control exercised by the executive committee of the association, by which it could easily over-ride objections to the association policy by individual members.

In his annual report for 1903 the president of the Lake Carriers' Association said: "We have had the experience of one season. The conditions before us are essentially different from what they were last spring."[1] The association took no action either in favor of or against agreements but left the matter of renewals in the hands of the executive committee. There were always members of the association who were opposed to any "recognition" of the unions and who were ready at any time to throw down the gauntlet and resort to the former methods of ex-

[1] *Annual Report Lake Carriers' Association*, 1903, p. 8.

terminating warfare. A number of the owners discussed secession from the policy of the association in dealing with labor and the establishment of a policy of "open shop" instead.[2] In the face of the growing solidarity of the owners at this time this minority might have gained a larger following but for the fact that they could not rely upon the support of the captains and without this support they could not hope to keep the union men off the boats.

The activities of the American Association of Masters and Pilots in 1903 led the Lake Carriers' Association to expect trouble from this source in 1904. At the beginning of the year 1904 the Steel Corporation had enough ore in its furnace yards and on the Lake Erie docks to last it until August even if no ore was brought down the Lakes during that time.[3]

The Carnegie plan of granting bonuses to employees in a position to effect economies and increase efficiency had been extended to the Pittsburg Steamship Company and its chief engineers and masters had received such bonuses since 1901.[4] The individual contract system, tried upon the engineers after the success of their strike in 1901, was now tried upon the masters. Other vessel owners followed the lead of the Pittsburg Steamship Company in asking their captains to sign individual contracts. After a rumor had been spread that the Pittsburg Steamship Company expected to reduce the pay of the captains in 1904, the new manager let it be known that captains could not consider themselves in his employ for the coming season, as was the custom for regularly employed vessel captains on the Lakes, but that they must make application for their former positions.[5] The consumption of iron and steel products had decreased during the previous year and Steel Corporation dividends were not as high as expected.[6] A policy of retrenchment was announced.

While the Lake Carriers' Association was trying to break the solidarity of the masters, the other unions, after having planned for the coming conferences since the close of the season of 1903,

[2] *Marine Review*, March 24, 1904, p. 26.

[3] *Ibid.*, July 21, 1904, p. 23.

[4] *Ibid.*, Jan. 2, 1902, p. 6.

[5] *Ibid.*, Jan. 14, 1904, p. 18; Feb. 25, 1904, p. 22.

[6] Ore shipments were 12 per cent less in 1903 than in 1902 but furnace interests had greater reserves at the end of 1903 than of 1902.

were put off from time to time until the last of April and the first two weeks in May. The season started late owing partly to trouble with the masters and mates and partly to the uncertainty of the market for ore. As in 1903, the Lake Carriers' Association did not "recognize" the Marine Engineers' Benevolent Association nor sign an agreement with them; but on May 13, 1904, the Lake Carriers' president wrote the lake business manager of the union as follows:[7]

In reply to your proposition for scale of wages for steamers of the Lake Carriers' Association for the season of 1904, would say that our Executive Committee have accepted your proposition, and herewith beg to notify you of such acceptance.

The scale was the same as for 1903.

The delay in starting the boats, added to the greater solidarity of the owners in resisting demands of the unions, placed the Lake Carriers' Association in a more advantageous position in bargaining with the other unions. The firemen were signed up first — on April 27, 1904.[8] The important changes in this contract were as follows: A reduction of wages of $2.50 per month to October 1. This made firemen's wages the same as for able seamen in 1903. Twelve hours' notice was required before a fireman was permitted to quit a boat and captains were permitted to lay off crews when delayed in port longer than three days. Barge engineers were eliminated from the agreement.

The contract with the Lake Seamen's union eliminated the overtime clause and permitted the owners to lay off crews when vessels were delayed in port longer than three days. Barge engineers were to be employed regardless of their union affiliation. This contract was signed May 12, 1904. Both the Lake Seamen's Union and the International Longshoremen's Association presented demands for an agreement for a union of cooks, but the demands of the longshoremen were not founded upon a sufficiently representative membership to gain the support of the Lake Carriers' Association and the cooks affiliated with the seamen were given the contract instead.[9] Nevertheless the existence of the dual unions weakened the bargaining power of the cooks. The season differential from $66 per month in the spring to $86

[7] *Proceedings Marine Engineers' Benevolent Association*, 1905, p. 36.

[8] Information taken from printed agreements.

[9] Ms. minutes of wage conference, 1904, p. 15.

after October 1 was changed to a flat rate of $70 per month for the season. The question of carrying porters on boats was eliminated and a provision was inserted permitting the captains to employ women cooks under specified conditions. The cooks were also deprived of their freedom from working under police protection. This contract was signed May 12.

In February, 1904, the American Association of Masters and Pilots asked for a conference with the Lake Carriers' Association.[10] This request was ignored. Meantime the captains returned the individual contracts to the owners, unsigned. The association then decided to meet the captains and throughout April and May conferences were held between the representatives of the masters and the executive committee of the owners but no agreement was reached. The basic issue involved was the demand for recognition of the American Association of Masters and Pilots by the Lake Carriers' Association. All other issues either emanated from this or were soon waived by the union.[11] When a deadlock occurred and a season's tieup of the boats was threatened, the Cleveland branch of the National Civic Federation offered its services as arbitrator of the dispute. Both the union and the association laid their cases before the Federation, but the association was unwilling to submit its case to arbitration.[12]

The Lake Carriers' Association stated that their refusal to deal with the American Association of Masters and Pilots was due to the fact that in this union the master of the boat, the personal representative of the owner, was banded together with his subordinates who, through superiority of numbers, could outvote him and hence control the union.[13] In rendering its decision the committee of the Civic Federation said:

> The Lake Carriers' Association gave us to understand that they would not only be willing to deal and make contracts with an association formed by the mates alone and another association formed by the masters alone, but that they would encourage and facilitate the organization of such

[10] *Marine Review*, Feb. 11, 1904, p. 26.

[11] Other demands made at first included the right of captains to hire mates and the payment by the owner of a full season's salary unless the captain be discharged for cause. *Statement by Lake Carriers' Association to the Cleveland Civic Federation*, 1904, p. 10.

[12] *Marine Review*, June 9, 1904, p. 24.

[13] *Statement to Civic Federation, op. cit.*, p. 4.

unions or associations, as they believe the organization of such separate unions or associations would be along the lines of other separate and independent organizations pertaining to the lake commerce. . .[14]

It is the opinion of the committee, based upon information received by them during these various hearings, that growing out of the change which has been going on so rapidly, which has resulted in the passing of the ownership of the lake vessels from individual and private ownership to corporate and syndicate ownership, various abuses have crept in, of which the masters and mates have reasonable ground to complain.[15]

While negotiations for settlement were under way, the officials of the Lake Carriers' Association were making all possible efforts to secure enough licensed men to start a few of the boats and break the strike. Threats were made that steps would be taken to have the licenses revoked unless the men returned to their boats.[16] All other labor on the boats was under contract not to participate in a strike so that the owners had no fear of a sympathetic strike. They recognized, however, that the masters alone could prevent the operation of the boats if they only held together; for without licensed men to operate them, the boats could not leave port. A minority of the owners were willing to grant the demands of the union rather than have their boats continue idle. Again the Steel Corporation threatened a loss of business to any who surrendered to the union and the members of the Lake Carriers' Association were ordered by their executive committee to keep "hands off the captain question altogether; not to start any boats and not to *try* to start any."[17]

The furnace interests, and especially the Steel Corporation, were determined to carry the fight to a finish at this time. To do so they must break the union and at the same time hold the owners together. To break the strike it was necessary to secure

[14] Mr. Coulby, in addressing the committee on this subject, said: "I don't stand before you people as an opponent of organizations. . . I have said here, and I say it again, and am perfectly willing to stand by it, that in this Twentieth Century, when a man speaks against organizations he is behind the times. I believe in organizations. Have no objections to the captains organizing by themselves, but I think as he occupies that unique position, there should be no subordinates to control him." At the same time Mr. Coulby expressed a willingness to deal with a captain's organization and a mates' organization, "properly organized." *Statement to Civic Federation, op. cit.*, pp. 21-22.

[15] *Marine Review*, July 9, 1904, p. 35.

[16] *Statement to the Civic Federation, op. cit.*, p. 2.

[17] Ms. minutes of proceedings, May 20, 1904.

only a few strike-breakers, enough to start a few boats and induce others to follow. It was suggested that three or five year contracts be given any who would withdraw from the union.[18] By appealing to the personal friendship and allegiance of some of the older and more conservative captains and by promising rapid advancement to some of the young and ambitious mates, enough men were secured to break the strike. As soon as the break came the masters and mates very rapidly sought to make terms with the owners. By the time the head of the union advised a return to work 150 boats were in commission;[19] and by the middle of June the strike was over. The iron industry was not affected by the strike since the surplus of ore on the docks was more than sufficient to supply all demands of the furnaces. On the other hand, the American Association of Masters and Pilots disappeared from the Lakes. The captains resigned in a body and the mates were forced to withdraw before they were given positions on the boats.[20]

In reality it was the individualism of these men which defeated their collective purposes. Being in a position to dictate to others on their boats, rather than to be dictated to, the masters had suffered long before joining in a collective protest to the vessel owners. And when they finally rebelled, the same refusal to abide by the dictation of others, even though such others be a majority of the men in their own trade, caused some of them to accept an immediate satisfaction of their individual desires in preference to a postponed satisfaction of their collective demands. Another factor which made them hesitate to risk their chances of employment was the fact that these men possessed a degree of skill as master of a boat which could not be transferred readily to any other line of work. Their union was, after all, an anomaly since the purpose of the captains was not at all the purpose of the mates. The captains wanted, first of all, a return of their authority and prerogatives as absolute masters of their crafts and control over all men under them, including the mates. Many of the mates had first papers and were potential captains. Hence the captains must have secured their coöperation to pre-

[18] Ms. minutes of proceedings of executive committee of Lake Carriers' Association, May 24, 1904.

[19] *Marine Review*, June 16, 1904, p. 22.

[20] *Ibid.*, June 23, 1904, p. 32.

vent their use by the owners in case of strike. The mates, on the other hand, desired an organization for trade union purposes.

The executive committee of the Lake Carriers' Association had endorsed the principles of unionism in their statements to the Civic Federation, but had objected to a union which contained both masters and mates. Nevertheless the same committee at its meeting on July 21, 1904, discussed the formation of an organization of captains, mates, and vessel owners so formed as to safeguard the interest of the latter.[21] No action was taken, however, but instead arrangements were made to secure admission of owners, managers, and stockholders to honorary membership in the Ship Masters' Association which had continued its existence as a beneficiary organization through the rise and decline of the American Association of Masters and Pilots.[22]

Following the lead of the Pittsburg Steamship Company, the owners took various means of getting into closer touch with their captains. They tried to overcome the antagonism of interest which had developed with the appearance of impersonal management of the boats. The Lake Carriers' Association too gave recognition to the captains and asked some of them to aid in making agreements with their subordinates on the boats.[23] This

[21] Ms. proceedings, July 21, 1904.

[22] *Annual Report Lake Carriers' Association*, 1905, p. 26.

[23] Ms. minutes of wage conferences, *passim*.

The association admitted the truth of the complaints made by the captains against the impersonal management of the boats. Concerning this question the president of the association said:

"'It is an ill wind that blows nobody good.' While the strike was costly to everyone concerned; while it at the time engendered very much misunderstanding and consequent bitterness, yet it remains to be said that the thorough consideration of the whole subject opened the eyes of the owners, the masters, the mates and all licensed officers to the fact that abuses had been permitted to come into the business of operating our ships. One which was the most striking was the tendency which had been developing of operating ships too much from the shore. Just as the owners saw the incongruity of having a number of men in an association regulate the conduct of the masters and other licensed officers under general rules upon some dead level which might or might not regard the needs and business conditions of the owner and the ship, so were the owners impressed as the result of this study that they should, as far as possible, separate those matters which must be attended to in the office from those which relate to the executive duties of the masters, engineers and mates, whom they employ on their ships, and who are required to act from hour to hour upon

led to a more cordial relationship between owners and captains and helped to kill the spirit of unionism among the latter. But it did nothing to satisfy the demands of the mates except as the mates looked forward to promotion and identified their interest with that of the masters.

Although forced to surrender membership in the American Association of Masters and Pilots in order to obtain employment after the strike, the mates still cherished hopes of an effective union. Taking the Lake Carriers' Association at its word, the mates started a movement to form a union at the close of the season of 1904.[24] The association not only refused to recognize this union but at the meeting of the executive committee on February 22, 1905, it was voted that no member of the association be permitted to hire a mate who was a member of any marine organization on the Lakes.[25] Recognition was refused to the new union on the ground that the mate was next in line to succeed the captain and already exercised his functions during the captain's absence from the boat.

The Lake Carriers' Association had anticipated trouble with the masters and yet were surprised at their strength. A more systematic method of acquiring knowledge of the strength of the other unions, to be used in future difficulties if necessary, was planned on July 21, 1904, when the executive committee gave the president of the association power to "incur the expense for such information as he may think necessary." At the same meeting a general organiation of the men on the boats, "which would issue to employees a book similar to the present union book" and which would be managed and controlled by the Lake Carriers' Association was discussed.[26] The chief counsel of the association announced that he was already at work upon plans for such an

their judgement at the moment and be responsible for reasonable judgement and efficiency and results." *Annual Report Lake Carriers' Association*, 1904, p. 7.

[24] *Marine Review*, Dec. 29, 1904, p. 21.

[25] Ms. proceedings, Feb. 22, 1905. Previous to this time the Pittsburg Steamship Company had given its masters permission to employ their mates, subject to the approval of the company, but it was "specifically reserved that mates belonging to a union shall not be employed." *Marine Review*, Jan. 5, 1905, p. 23.

[26] Ms. proceedings, July 21, 1904.

organization and that he would submit his plans as soon as they were completed.

On November 7, 1904, the executive committee considered the matter of requiring the engineers employed by the members of the association to withdraw from the Marine Engineers' Benevolent Association since an engineer's affiliation with that union was declared to be "inconsistent with the full and free performance of his duty to his employer."[27] Remembering the bitter experience with this union in 1901 and anticipating trouble with some of the other employees in 1905 no action was taken. Instead it was decided to try to induce the engineers to withdraw from their union without strike if possible. Mr. Coulby planned to meet with the engineers of the Pittsburg Steamship Company in December, 1904, and discuss the matter with them but later decided that the time was not yet ripe for such a move and withdrew the call for the meeting.[28]

During the winter of 1904-1905 labor questions were given much attention by the Lake Carriers' Association who looked with alarm upon the growth of the lake unions and of the American Federation of Labor which was already represented on the Lakes by the International Longshoremen's Association with its many trades and the Lake Seamen's Union, and which had made overtures to the Marine Engineers' Benevolent Association[29] and the mates.[30] At the meeting of the executive committee on January 11, 1905, during the discussion of labor troubles the need of a treasury of $100,000 was urged "in order to provide for any emergencies which may arise which would require the use of a large amount of money."[31] At the general meeting of the association two days later the president dwelt upon the growing strength of labor and urged that the Lake Carriers' Association should "gradually, at least, prepare itself so that its members will be able to absolutely control the property under

[27] Ms. proceedings, Nov. 7, 1904.

[28] *Marine Review*, Dec. 29, 1904, p. 32. Again Mr. Coulby tried to make individual contracts with the engineers in his fleet, offering them more than they would obtain through a trade agreement with the Lake Carriers' Association. *Ibid.*, Jan. 5, 1905, p. 23.

[29] *Marine Record*, Jan. 30, 1901, p. 7.

[30] *Marine Review*, June 9, 1904, p. 23.

[31] Ms. proceedings, Jan. 11, 1905.

their charge." Open shop was discussed and a minority urged that the time was ripe to take action against the unions and suggested the immediate adoption of the policy of "open shop."[32] The decision was left with the executive committee since certain complications prevented the adoption of such a policy at that time.

Less than 22,000,000 tons of ore had been brought down the Lakes in 1904. This was a smaller amount than had been brought down during either of the two preceding years and although the furnace demand had decreased during 1903-1904 the amount of ore in reserve at the end of the season of 1904 was small. Therefore it was thought best not to risk a tie-up of the boats at the beginning of a year when shipments were expected to be heavy. For this reason trade agreements were continued. The captains were dealt with individually. Some owners objected when the Pittsburg Steamship Company made contracts with its captains in December, 1904, and thereby set a standard which other owners were unwilling to pay. But since such contracts were permitted by the constitution of the Lake Carriers' Association no action could be taken.

As in the two preceding years it was decided that it would not be good policy to "recognize" the Marine Engineers' Benevolent Association by giving its officers a signed agreement. Instead the lake business manager of the union was notified that the association would pay the union scale for the season of 1905.[33] This was the same as for 1904 except that a few engineers on boats of more than 5,500 tons gross register received the following increases: $5 per month for second assistant engineer, $15 for first assistant, and $25 for chief engineer.

The agreements with the seamen and the cooks were signed March 3. The seamen asked a considerable advance in wages but the only increase granted was that given to deckhands — a change from $25.00 to $27.50 from the opening of navigation to the first of October. The clause in the 1904 contract which provided that a boat detained in port could dismiss its crew only at the end of three days was left out of the 1905 contract. The cooks also demanded a large increase in wages but were given

[32] *Marine Review*, Jan. 19, 1905, p. 17.

[33] *Report of Lake Business Manager of Marine Engineers' Benevolent Association*, 1905, p. 24.

none.[34] A porter was granted on vessels of over 4,000 tons gross tonnage and on smaller vessels whenever three or more passengers were carried. Both the seamen's and the cooks' demands were for additional concessions and the Lake Carriers' Association had little difficulty in defeating them.

The case with the firemen was different. In 1904 the wages of the firemen had been reduced and this union laid its plans to regain the loss. Anticipating possible trouble with this union, the Lake Carriers' Association was anxious to sign the other unions early so that the firemen would be the only class of labor to deal with in case of trouble. Another danger which the association was trying to guard against was the possibility of the firemen trying to aid the mates. Before a conference was granted to the firemen's union, the president of the Lake Carriers' Association secured promises from the officials of the Lake Seamen's Union and the Marine Engineers' Benevolent Association that these two organizations would help the owners to secure strike-breakers in case the firemen's union started a strike.[35] The demands of the firemen for increased wages were then refused. After a threatened strike and a referendum to the members of the union, the 1904 scale was accepted. As in the case of the seamen, the three day retention clause was left out of the contract for 1905. This agrement was signed March 27, 1905. The mates were not strong enough to make collective demands and they accepted the scale set by the Lake Carriers' Association.

Throughout the season of 1905 the firemen continued to give the vessel owners a great deal of trouble by deserting the boats at the upper lake ports and by violating the agreements in other ways. At the 1905 wage conference Mr. Coulby suggested that the firemen deposit their union books with the captain, to be forfeited in case the agreement was violated.[36] This suggestion was overruled by the union delegates. The association then systematically laid their plans to rid themselves of the firemen's union and the president of the association conducted a campaign to learn of all violations of agreements by the firemen in order

[34] *Annual Report Lake Carriers' Association*, 1905, p. 3.

[35] Ms. proceedings of executive committee of Lake Carriers' Association, Mar. 22 and 23, 1905.

[36] *Annual Report Lake Carriers' Association*, 1905, p. 5.

to have "ammunition" to use against the attacks of other unions, members of the association who were hesitant about antagonizing the union, and the public.[37]

In the meantime complications arose in the mates' controversy. Their union not only was not "recognized" by the association, but its members were blacklisted by the vessel owners. Surplus captains could be used in their places in case of strike, while wheelsmen and watchmen were always in line to succeed them as soon as licenses could be secured. Alone the mates' union was powerless. They could no longer rely upon the captains for support so they must look to the unions of their subordinates. Both the seamen and the longshoremen were not only willing but anxious to accept their affiliation. In fact immediately after the strike in 1904 both of these trades took steps to reorganize the mates.[38] In the case of the seamen this was a defensive move while in the case of the longshoremen it was another step in the direction of the hoped-for industrial union of lake trades. The mates were in a position to hire and discharge seamen. By having them affiliated with the International Longshoremen's Association, the officials of that union could control the seamen and force them to pool their interests. To avert this danger the Lake Seamen's Union offered aid to the mates as a defensive measure.

Throughout the season of 1905 the fight to organize the mates was continued. Both sides claimed a majority at the opening of the season in 1906 though there is no evidence to show that the Lake Seamen's Union had more than a mere handful in their organization; while the stronger International Longshoremen's Association had attracted a majority of the mates on the Lakes. When the seamen met the Lake Carriers' Association to arrange contracts for the seamen and the cooks to cover the season of 1906 demands were made for the recognition of the seamen contingent of the mates.[39] Threats were made that without such recognition no agreements whatever would be signed. This demand was refused and upon the declared intention of the association to terminate the conference and institute "open shop" the demands

[37] From correspondence concerning firemen.

[38] *Proceedings Lake Seamen's Union*, 1905, p. 17. *Proceedings International Longshoremen's Association*, 1905, p. 36.

[39] *Marine Review*, Mar. 29, 1906, p. 23.

were withdrawn. Both the seamen and the cooks signed contracts for 1906 which were essentially the same as for 1905, except that the seamen were again granted payment for overtime. The usual understanding was reached with the engineers.

The longshoremen refused to deal with either the Lake Carriers' Association or the Dock Managers' Association until the former were willing to recognize the longshoremen contingent of the mates.[40] The agreement with the dock managers did not expire until May 1, 1906. At midnight, April 30, all members of the International Longshoremen's Association, including all men employed on the docks, the grain scoopers, the men employed on the tugs, and the firemen, oilers, and water tenders on the boats, were called out in sympathy with the mates. Only the mates themselves refused to strike *en masse*.[41] By offering inducements and making threats the vessel owners were able to keep enough mates on the boats to break the strike which was officially called off May 9, 1906.[42] Again the vessel owners were successful and a second union disappeared from the Lakes.

Since 1902 the seamen had been trying to induce the firemen to break with the longshoremen. The firemen were still hopeful of increasing their wages and expected an increase in 1906 by supporting the strike for the mates. With the union defeat in this strike the firemen accepted the 1905 scale and conditions. Even then, because of the numerous troubles with the firemen, the Lake Carriers' Association wanted only a trial agreement, to be abandoned if not lived up to.[43] The failure to secure the expected increase in wages was blamed by the firemen upon the officials of the International Longshoremen's Association. Trouble arose within the firemen's union and a movement was started to withdraw from the longshoremen. Partly because of these internal troubles, the Lake Carriers' Association experienced unusual difficulties with the firemen during 1906.[44] Vio-

[40] *Marine Review*, Mar. 22, 1906, p. 22.

[41] *Ibid.*, May 3, 1906, p. 27.

[42] *Ibid.*, May 10, 1906, p. 21.

[43] Ms. minutes of wage conference, 1906, *passim*.

[44] *Marine Review*, Sept. 27, 1906, p. 22. In his report for 1906 the president of the Lake Carriers' Association said that "constant complaint and appeals to the officers of the firemen's union were unavailing to remedy the evils, largely due to the fact, I am inclined to think, that they were utterly

lations of agreements, especially the clause requiring twelve hours' notice before quitting the boat, were numerous throughout the season. In addition, the union was able to furnish only about 60 per cent of the number of firemen required on the boats, in spite of the fact that they had a closed union shop agreement and were obligated to supply all the men required. The initiation fee of the union at this time was $25, a prohibitory fee for that class of labor. The Lake Carriers' Association took advantage of this opportunity to secure and train non-unnion men and again planned to exterminate the firemen's union.[45]

It had been customary for the seamen and cooks to refuse to sign agreements with the Lake Carriers' Association until its representatives were ready to sign with both unions. During the year 1906 the firemen withdrew from the International Longshoremen's Association and affiliated with the Lake Seamen's Union.[46] When the wage conferences were held in 1907 the officials of the union refused to sign for one of its three classes of members until the association was willing to sign for all. This forced the issue as to whether or not the fight would be made upon the firemen in 1907. The outlook for the year was so bright that the owners did not wish to experience the delays of a strike so the agreements were renewed. Conferences were held late because of Mr. Coulby's absence from the Lakes. The agreements were signed April 13, 1907.

In exchange for the overtime clause, which was again stricken

unable to control their men.'' *Annual Report Lake Carriers' Association*, 1906, p. 4.

[45] In reply to a letter from a captain protesting against the violations of agreements by the firemen, the president of the Lake Carriers' Association said on July 30, 1906: ''I fully agree with your sentiments expressed in your letter. The position with the firemen this year has become nearly unbearable. There are several reasons which make it worse than usual. They are having internal dissensions; they also have practically a prohibition price or initiation fee which prevents their getting new members; they have not near enough men to furnish what is required; their officers seem to have lost control of them. It will certainly be a happy day when we are rid of the whole bunch. In my judgment the sooner we reach that point the better we will be off. The middle of the season of course is a bad time to have a break if it can reasonably be avoided but I feel reasonably sure that our Executive Committee will take some drastic measures this winter regarding the future.''

[46] *Proceedings Lake Seamen's Union*, 1907, p. 3.

from the agreement, the able seamen were given an advance in wages from $45.00 to $50.00 per month from the opening of navigation to October 1, and the deckhands were given an increase of $2.50 per month throughout the season.[47] The firemen and cooks received advances similar to that of the able seamen. The captains were given individual appointments as usual and the mates accepted the Lake Carriers' Association scale which was an advance of about 8 per cent over the preceding year, to correspond with the advances granted their subordinates on the boats.

For the first time in the history of the union, the Marine Engineers' Benevolent Association received a signed agrement in 1907. Since 1905 a few of the fleet engineers had assisted the executive committee of the Lake Carriers' Association in framing agreements with the unions. After another unsuccessful attempt to induce the engineers to sign individual contracts, the Lake Carriers' Association called together the fleet engineers to form a permanent auxiliary association to be known as the Fleet Engineers' Association.[48] Its chief purpose was to deal with the engineers. It met with the Marine Engineers' Benevolent Association representatives and framed a tentative contract for 1907 which, upon approval by the executive committee of the Lake Carriers' Association, was signed by the new association.

Following the slack season of 1904, ore shipments increased over 50 per cent in 1905, while the 1907 shipments were more than double those of 1904. By early fall, 1907, it was known that 1908 ore demands would be light and that lake traffic would suffer greatly.[49] The movement of ore in 1907, however, was not checked until furnace yards had become congested and the storage capacity of the docks had become exhausted.[50] The largest ore reserve in the history of lake traffic up to that time remained at the close of the season of 1907. It was estimated that with normal consumption, the furnace interests and especially the

[47] In speaking of the elimination of the overtime clause the *Annual Report of the Lake Carriers' Association* said in 1907 (p. 10): It "served in a large measure to reduce, although not to entirely eliminate, the friction that has heretofore existed between the officers and employees aboard the vessels."

[48] *Marine Review*, Feb. 14, 1907, p. 24.

[49] *Ibid.*, Oct. 24, 1907, p. 21.

[50] *Ibid.*, Feb. 20, 1908, p. 23.

United States Steel Corporation had enough reserve ore to run the furnaces until September, 1908, if none were brought down the Lakes during that time.[51]

It had been the custom for several years to maintain dock police to keep the peace and to protect property. In fact, since the organization of the Cleveland Vessel Owners' Association such officials were always within call in case of need. During the season of 1907 this sort of protection was supplemented by the construction of high board fences around the dock property and the introduction of a system of admittance within the enclosure of none but those who could prove that their business within was in the interest of the vessel owners or the dock managers.

The vessel owners had never given up their intention of returning to non-unionism as soon as a favorable opportunity offered.[52] Some of the independents were willing to try a test of strength at any time since every tie-up of the boats meant higher freight rates when traffic was resumed. The managers of these fleets wrote many letters to the president of the Lake Carriers' Association, asking him to take action in ousting the unions. As with all policies of the association, it was the shipper, and especially the United States Steel Corporation, who determined the time for discontinuing the contracts with the union. Agreements were considered to be a makeshift truce and not the foundation of permanent peace. The officials of the unions recognized this fact also. They knew that the existing relations with the owners were temporary only and that the tension might reach the breaking point at any time.[53]

[51] The United States Steel Corporation had 12,000,000 tons in reserve at the close of the season of 1907. *Annual Report Lake Carriers' Association*, 1908, p. 9.

[52] *Marine Review*, Apr. 16, 1908, p. 20, said editorially: "Lake interests have never abandoned the principle of open shop, though for the past few years it has seemed inexpedient to enforce it."

[53] For example, as early as January, 1907, the officials of the Lake Seamen's Union urged the necessity of an increase in dues to build up a large defense fund "to prepare for the inevitable struggle with the owners." *Proceedings Lake Seamen's Union*, 1907, p. 42. Again, on January 14, 1908, before the unions knew that the Lake Carriers' Association expected to terminate the agreements, a joint conference of the unions affiliated with the Lake Seamen's Union passed the following resolutions: "Resolved: that in the event of any emergency arising in the nature of a strike or lock-

In the eyes of the vessel owners, trade agreements had failed. No complaint was made about the Marine Engineers' Benevolent Association, except that through this strong organization the engineers were able to exercise an undue influence in fixing wages. Individually the engineers had never been a source of annoyance to the owners. Even the jealousy between the engineers and the captains worked to the advantage of the owners because it weakened the bargaining power of both classes of employees. The owners felt that they had nothing to gain by agreements with their engineers while their experience with the Marine Engineers' Benevolent Association had been one of victory for the latter. As already noted, this union was never "recognized" by the Lake Carriers' Association and in only one year, 1907, was it given a contract by a subordinate association.

In the same manner the owners believed that they had nothing to gain by granting contracts to unions of the mates and captains. Wages were not subject to sudden changes for this class of labor since the mates were accustomed to a monthly scale, set by the Lake Carriers' Association for the season, and the captains to a yearly salary to be agreed upon between the individual captain and his employer. Under this system the owner himself was the arbitrator of disputes. Under an agreement, such as was presented for approval in 1904, the owner would have relinquished this power to the union of captains and mates. It was this possibility, rather than any specific demands for changes in wages or conditions of work, which caused the Lake Carriers' Association to refuse to "recognize" the American Association of Masters and Pilots.

out, particularly during the coming season, the affiliated Lake District Unions of the International Seamen's Unon of America shall work in conjunction with each other at all times, and that in order to have a clear and definite understanding of the acts and intentions of the Unions affected, be it further

"Resolved: that none of the affiliated Unions of the Lake District shall in any way involve itself or themselves in any sympathetic strike of any nature or form any alliance with any of the organizations not a part of the International Seamen's Union of America except with the consent and approval of the other Lake District Unions. And be it further

"Resolved: that no action likely to precipitate a strike or lockout shall be taken by any of the organizations without first consulting with the executive officers or executive authorities of the other unions." Ms. proceedings, pp. 2-3.

Aside from the fact that it was the strength of the other unions and the weakness of the Lake Carriers' Association which forced the introduction of contracts with all employees below licensed officers in 1903, the vessel owners hoped that such contracts would make two advantageous changes in their methods of dealing with their employees: First, that yearly contracts would insure the absence of fluctuations in wages; and second, that union officials would be able to discipline their members and bring about a stability of tenure which, up to this time, had never been known on the boats.

The agreement system accomplished the first of these hoped-for results. From 1903 to 1907 inclusive there were no authorized wage strikes on the Lakes. In only one instance indeed was there even an approach to a strike for wages. In 1906 one fleet violated the age-long custom of paying for 31 days in May and July and paid its engineers and chief cooks for 30 days instead. A strike against this line was threatened but the officials of the Lake Carriers' Association refused to uphold this breach of custom and the manager of the fleet paid for 31 days.[54] Numerous instances occurred where unauthorized strikes of the fireman or deckhands on a single boat resulted when a deserter at an upper lake port demanded pay, in violation of his contract, and was refused. But in general stability of wages resulted from the agreements and a vessel owner was reasonably certain of his probable wage cost for the season or so much thereof as his boat was in commission. Without doubt this gain was absolute and exceptions were a negligible factor.

Furthermore, but little change was made in wages during the time the agreements were in operation. From 1903 to 1907 but one increase was granted. This affected only the deckhands and amounted to but $2.50 per month from the opening of navigation to October 1. This increase took effect in 1905. Even this increase was offset by a similar decrease to firemen, beginning in 1904. This failure to increase wages at a time when the general level of wages throughout the United States was rising may be explained in part by the fact that the wage scale on the boats in 1903 was perhaps a little higher than the average for that class of labor. The balance of bargaining power was in favor of the unions at that time and the element of chance was still a potent

[54] From correspondence concerning this case and its adjustment.

factor in the determination of both wages and profits. By 1907 this chance element had been reduced to a minimum. Except for a slight decline in 1904 when shipments decreased, freight rates remained nearly stationary from 1903 to 1907. In 1907 a small increase in wages, averaging about 5 per cent, was given the unions in exchange for the overtime clause and hence was probably not an increase after all. In other respects than wages, the 1907 contracts were considerably less advantageous to the unions than were the contracts of 1903.

The second hoped-for result — stability of tenure on the boats — was only partially effected under the agreements and can be discussed only in relative and not in absolute terms. To understand the problem involved, a brief restatement of conditions already described is necessary here. In the early days of lake traffic it was customary for the captain to hire men for a trip only and to discharge them upon reaching port. Since a new crew was not secured until the vessel was ready to leave again, it was not expected that a man should remain on the boat for more than one trip at a time. It had become the custom, therefore, for a captain to exact of his men the greatest amount of work with the least expenditure for food and the comforts of life. Moreover the system of hiring and discharging men made a constant day-to-day fluctuation in the demand and supply curve of labor on the Lakes. In every activity of the employee's life irregularity and chance ruled. Since their work kept them away from their families for nine or ten months in the year, unmarried men and young men with whom family or local ties were insufficient to enforce steady habits more often took up this work. This set of conditions in itself attracted to the Lakes a class of irresponsible adventurers. The work which they were required to do, the conditions under which they lived, and the treatment which they received from the men in authority over them, all tended to make them more irresponsible and more unsteady in their habits.

Beginning in the late nineties, some of the larger fleets took steps to remove the causes of unsteadiness of the men on their boats and to make changes which would attract to the Lakes a more desirable class of men. This was a mere beginning and scarcely touched the real problems which have received so much attention since. Under the agreements the efforts of the owners

to make the work which they had to offer more attractive were not pushed with the vigor that the situation merited. Instead, the unions were made responsible for the proper conduct of their members. Under existing circumstances this responsibility was oftentimes too great; with more encouragement and coöperation from the vesselowners, much more could have been accomplished.

The firemen gave most trouble. They were the most irresponsible men on the Lakes. Some of them were habitual deserters and could not be held on any boat for more than a few trips. On the other hand, some boats could not keep the best of firemen more than a few trips at a time. The work required of the men and the treatment which they received made it physically impossible for them to continue in the service of the boat. Irregular habits, the nature of their work, and the associations in port made drunkenness common. This in turn reacted upon the character of the work and their attitude toward their superiors. Local officials of their unions were often professional office holders — some of whom had been firemen while others had ben bartenders or had followed some other shore trade. In any case their tenure of office depended upon the suffrage of their constituency. This made them subject to the whims of any group of firemen with influence enough to make them a factor at elections. Furthermore, the general officers of the firemen's union were not always dependable and the demands of their members sometimes influenced them more than did the signed agreements. As a result, violations of agreements by firemen were common. It sometimes happened that a fireman who deserted his boat and was refused pay which was not due him under the agreement appealed to the local agent of the union. That official, either through fear of jeopardizing his job or through sympathy for the deserter, at times called other firemen off the boat, also in violation of the agreement. If appeal was made to the general officers of the union these officials were not always willing or able to discipline the offenders even though the offense was proved to them.

Previous to 1907 but little advance had been made in the direction of greater stability of tenure of the firemen. Indeed to some of them the agreement was an excuse for further excesses than formerly for with the power of the union back of them the fear of discharge or blacklist disappeared. Although

affiliated with the International Longshoremens' Association, the officials of that organization were never able to exercise the control over the firemen that they exercised over their other members. The Lake Seamen's Union had better success with the firemen in 1907 and made considerable progress in disciplining those who violated agreements and in preventing such violations.

Next to the firemen the deckhands gave most trouble to the vessel owners. In addition to their duties as forward deck employees they were used as coal passers. Boats were then so constructed that coal passing was required. This was unusually hard work. The hours of the deckhands were long, often requiring their presence on deck 18 to 36 hours on one shift while in port. In the absence of provision for extra pay for overtime, the length of the working day was left to the discretion of the officers in charge of the boat. While their work was perhaps not as enervating as that of the firemen, the same irregular habits and the same sort of treatment resulted in attracting to the deckhands' work much the same class of men. The same system of election resulted in some instances in the same class of local agents, although this evil was not so common as in the firemen's union because of the presence in the former case of the better judgment of the able seamen.

One notable difference existed between the firemen and the deckhands; the general officers of the seamen's union were always more competent, more responsible and more able and willing to discipline their members who violated agreements. This is due largely to the fact that the seamen's union contained both able seamen and deckhands. Since the latter were always a shifting lot of men, the union was always controlled by the former. Desertions by deckhands continued, in violation of agreements, but they were relatively less frequent than before the operation of the agreements. Violations of contracts by able seamen and cooks were much less common than by firemen and deckhands, though they were not unknown. Both decreased as the agreements continued from year to year.

Any provision for overtime or any statement in the seamen's agreements which interfered in any way with the discretion of the captain and mates in fixing the hours of labor of the deckhands and able seamen was a source of continued complaint by

both parties. Even after the owners took steps to effect a more friendly relationship with the captains the union contract remained in the way of the free exercise of full control over the men by the captains. At times the union men insisted upon a strict observance of the letter of the agreement when an obsevrance of its spirit, but involving a few minutes actual violation, would have saved the boats hours of delay.

Nor were violations of agreements entirely one-sided. Individual captains and engineers persisted in disregarding the terms of the agreements with the men under them until called to account by their employer or the officials of the Lake Carriers' Association; while occasionally a manager of a fleet ran his boats regardless of any contract betwen the Lake Carriers' Associtition and his men. For example, on April 24, 1906, the president of the association wrote to a member of the executive committee concerning the labor policy of one of the fleets in the association during the preceding year as follows: "They absolutely paid no attention to our labor contracts, violated them time and again, and kept me in perpetual hot water trying to arrange difficulties, which in almost every case we had not the shadow of an excuse and no ground to defend ourselves." In 1906 when the firemen were causing so much trouble, even the president of the Lake Carriers' Association advised his members to violate the closed union shop contract with the firemen's union by retaining non-union men longer than one trip provided for in the contract.[55]

On the whole, grievances presented to the union officials by the president of the Lake Carriers' Association received prompt attention. Attempts were made to locate offenders and if the offense was proved punishment usually followed. Numerous union agents were removed from office at the request of the president of the association for collusion with the men on the boats in the

[55] In a letter to a fleet manager, dated August 21, 1906, the president of the Lake Carriers' Association said: "I have written to all of our members who have made complaints and who have had to put on non-union men on account of the inability of the Firemen's Union to furnish them, not to discharge them if they give satisfaction, to pay no attention whatever to what the union might or might not say regarding the carrying of non-union men." The agreement provided that in case the union "is unable to furnish sufficient men when called for by the engineer or his representative, he may ship non-union men to fill such shortage for not longer than the ensuing round trip."

violation of agreements. Likewise, grievances presented by union officials were investigated and if substantiated, measures were taken to remove their cause.

From the beginning the agreements declared against strikes for any cause whatsoever. Every agreement contained an arbitration clause but this method of settling disputes was seldom employed. In the few cases in which arbitration was tried a union official, a member of the Lake Carriers' Association — usually an official — and a third man selected by these two constituted the board. The executive committee of the association were usually more adept at wording agreements than were the union delegates and sometimes the agreement did not grant what the union thought it was receiving. If an arbitration of such clauses was requested the association confined evidence to the agreement itself and would not permit verbal statements, however definite or undisputed, to be presented at the hearing. In this manner the arbitrators must make a literal interpretation of the agreement, regardless of the justice of the claims of the union on other grounds. Some owners looked upon the loss of an arbitration board case as a surrender to the union and were willing to suppress pertinent evidence or use any other means to win. One such manager of a fleet, in writing to the president of the Lake Carriers' Association concerning the arbitration of a case in which he was involved said: "We want to win and I don't care how much money it costs us, if by spending money we can win this arbitration." [56]

The unions distrusted arbitration and seldom asked for it. Even before agreements were entered into the Lake Seamen's Union went on record against state or national arbitration.[57] Nevertheless the officials of the union have always shown a disposition to state their grievances to a disinterested third party. This the Lake Carriers' Association has always objected to. Its officials have never agreed to arbitration by outside parties and only once have they even appeared before such a body when arbitration of disputes which could not be settled otherwise has been offered.

[56] In the same letter the manager suggested that he would have a better chance to win if the engineers in his fleet were not permitted to testify at the hearings of the arbitration board.

[57] *Proceedings*, 1902, p. 21.

CHAPTER V

OPEN SHOP

Since the vessel owners had never been favorable to trade agreements except as a temporary measure to avoid the uncertainties of dictation by unions, many of them were willing to abolish the agreement system at any time. Others, led by Mr. Coulby, were unwilling to permit any break in the truce with labor which might result in a tie-up of the boats during a time when the steel industry might be injured thereby. In 1904 the making of agreements could not be interfered with because the owners did not have the support of the captains and the mates. With a constantly increasing demand for iron ore in 1905, 1906, and 1907, it was better to continue the agreements than to risk a tie-up of the boats. When it became evident that 1908 would be a dull season, the shippers took advantage of the situation to break up the unions. Having fortified themselves by piling up sufficient reserve ore to last well into the season of 1908 and having fenced the docks to aid in the protection of strike breakers, they had little to fear from the opposition of the unions.[1]

It was expected that if a strike occurred strike breakers could be secured at Atlantic ports to take the places of all men below the licensed officers. No trouble was anticipated from the unorganized captains and mates.[2] More trouble was expected from the strong Marine Engineers' Benevolent Association. For several years the Pittsburg Steamship Company had tried to induce its engineers to sign individual contracts, offering them more money than they received under collective bargaining. One of the results of the uncertainties of the dull season of 1908 was a

[1] On May 1, 1908, the ore on Lake Erie docks amounted to 5,480,300 tons. This compared with 1,976,988 tons in 1907 and with a previous high of less than 4,000,000 tons in 1904. *Marine Review*, May 14, 1908, p. 21. The total reserve of ore on the docks and in furnace yards on May 1, 1908 was approximately 19,000,000 tons. *Ibid.*, May 21, 1908, p. 21.

[2] *Ibid.*, Apr. 23, 1908, p. 20.

meeting of the officials of this company and the engineers in its employ. At this meeting, held April 9, 1908, individual contracts were again tendered and most of them were signed.

In the meantime the owners were holding meetings at the various ports and discussing labor questions. The owners living at Cleveland met on March 26, 1908, and declared for open shop. At the meeting of the Lake Carriers' Association two weeks later, on the afternoon of April 9, Mr. Coulby displayed his engineers' contracts which had been signed that morning and announced his readiness to cease making contracts with the unions and to revert to the policy of open shop.[3] On roll-call all owners of bulk freighters voted for open shop. The only members of the association who did not vote for the motion were the managers of the package freight lines. Their business was not directly affected by the slump in the ore business and they did not wish to incur the enmity of the unions. They were excused from voting.

Previous to this time the unions had asked for the usual conferences with the Lake Carriers' Association but their requests were either ignored or were met with the statement that the association was not yet ready to meet them.[4] When the association voted to establish open shop, April 9, 1908, the announcement was given to the press and such published statement was considered sufficient answer to the unions' requests for conferences. Contrary to the expectations of the association, no strikes oc-

[3] *Marine Review*, Apr. 9, 1908, p. 21. These contracts read as follows:

"Dear Sir: — You are hereby appointed for the season of 1908 Chief Engineer of our Steamer....., at the rate of..... per month on the following terms:

"That the Company reserves the right to dispense with your services at any time for reasons satisfactory to it. That you faithfully abide by and coöperate in carrying out the rules and regulations of the Company in respect to all matters in your department.

"As we have decided upon the policy of open shop, you will be expected to, and by your acceptance hereof, will agree to fully coöperate in this policy and in keeping off from the ship any representatives of other interests than the ship and owner, as far as your department is concerned. Also if the Company decides not to put and keep the Steamer in commission you agree to serve, if requested, as Second Engineer on any Steamer of the Company at which you may be assigned without, however, any reduction in the rate of your salary above stated." *Proceedings Marine Engineers' Benevolent Association*, 1909, p. 466.

[4] *Ibid.*, 1909, p. 464.

curred during 1908. The unions realized that during a dull season many members would be tempted to desert their organization if necessary in order to secure one of the comparatively few available jobs. The officials accepted open shop temporarily while they renewed their efforts to hold their members together.

The Lake Carriers' Association, on the other hand, started in at once to disrupt the unions. On May 6, 1908, it was voted that no union delegates be allowed to board the vessels at any point.[5] Later union members were discriminated against in seeking employment. Union membership books were first demanded of them and later they were asked to sign declarations that they were not members of any labor organization.[6] About the only way a member of the union could obtain a job was by subterfuge and deceit. Union officials advised their members to sign the

[5] The manager of one fleet ordered his captains as follows: "Keep the delegates off the ship, and if you find any agitators among your crew or any men who are not loyal to you and to the interests which you represent, fire them." *Marine Review*, July 7, 1907, p. 57.

[6] Two kinds of such declarations were used. The first read as follows:

"I declare upon my word of honor that I apply to ship free to act for myself, not belonging to any union, and in case of a strike, sympathetic or otherwise, will remain on board and perform my duties in a proper and satisfactory manner; also I will have no one under me, except as above."

The second declaration, in the form of an oath, was as follows:

".....,, being first duly sworn, deposes and says as follows:

"I hereby renounce all allegiance to any and all labor unions, particularly the stewards', seamen's, firemen's, and oilers', and I declare it to be my intention not to join either as long as I follow sailing for a living.

"I am therefore, a non-union man, and if I get a position on a lake vessel, in the event of any strike of any description involving the..... union, I will stay by the ship and faithfully perform my duties as such employee despite such strikes or orders of any unions.

.....

"Subscribed in my presence and sworn before me this.....day of ....., 19....

.....

Notary Public."

Reprinted in report of *Committee on Merchant Marine and Fisheries*, House of Representatives, Feb. 17, 1910, p. 53.

The president of the Lake Carriers' Association denied knowledge of the practice of his shipping masters in requiring these oaths from applicants for jobs and stated that he forced them to discontinue the practice as soon as he learned of it. *Ibid.*, p. 24.

contracts offered by the association, retaining their union membership secretly until a more favorable time to retaliate appeared.

At a meeting of the Ship Masters' Association, Mr. Coulby expressed views on "open shop" and on methods to be employed in enforcing it as follows:

> What we are trying to do is simply to get back to the old conditions aboard ship. We don't want any members of the crew to see if it is in the Red Book before they do it. You masters have got to go on the picket line; you've got to win this fight for us. For my own company, I can say that we are going to win if it takes one day, one month, one year or five years. If any man pulls a book of rules on you, he is not an open shop man. Put him on the dock. If any engineer, first, second or third, wheelsman, watchman, mate declines to obey orders, put him on the dock. We will help you fill their places.[7]

At its meeting July 2, 1908, the executive committee of the Lake Carriers' Association empowered the chief counsel "and such other assistance as in his judgment may be found necessary" to proceed to England to investigate the methods of the Shipping Federation of Great Britain in dealing with labor on the boats.[8] At the same meeting some members of the committee suggested a reduction in wages but Mr. Coulby prevented such action. The chief counsel reported to the board of directors on October 28, 1908, concerning the labor policy of the English federation and the question of the adoption of a similar policy on the Lakes was referred to the executive committee with power to act. The plan, to be known as the Welfare Plan, was announced during the winter of 1908-1909.[9]

The essentials of the plan are as follows: 1. Assembly rooms were established at the principal ports for the use of the men who carried the Welfare certificate. A nominal charge of $1.00 per year was charged to unlicensed men and a higher rate to licensed officers. 2. Certificates were obtained in the following manner:

> Any officer or seamen applying for a certificate or recommendation of the Lake Carriers' Association must declare himself willing and pledge himself to discharge his lawful duties towards the ship on which employed,

[7] *Marine Review*, Apr. 16, 1908, p. 24. Other representatives of vessel owners spoke at the same meeting. Some of the masters were asked to speak but all declined.

[8] Ms. proceedings, July 2, 1908.

[9] *Marine Review*, Dec. 10, 1908, p. 22-23.

regardless of membership or affiliation on his own part or that of any other member of the officers and crew with any union or association of any kind; and these certificates once given must be revocable at the discretion of the Association upon such information as it shall have received and requiring that its consideration and decision of the matter shall be exclusive and final.

3. Continuous record discharge books were given holders of these certificates. In addition to an identification description these books contained a continuous service record of the holder, showing the vessels upon which he had worked, the capacity in which he worked, the time of entering and of leaving such service, and the character of the service. Upon accepting a position on the boat the holder of the book deposited the same with the captain. If the character of the service was either good or fair an entry to that effect was made in the book, attested by the captain (or chief engineer in the case of men in his department) and the book was returned to its owner. If the service was, for any reason, not considered either good or fair, the book was sent by the chief officer to the executive office of the Lake Carriers' Association, together with any statement which the officer might see fit to send. 4. In case of death by accident, incident to employment on board ship or in the line of duty to any ship, dependents of employees who carried discharge books were assured the receipt of fixed sums from the Lake Carriers' Association, ranging from $75.00 for ordinary seamen to $500.00 for captains.[10]

As in 1908, the engineers, including assistant engineers in the Pittsburg Steamship Company, were required to sign individual contracts in 1909. The Marine Enginers' Benevolent Association again objected to these individual contracts and called a strike against the Lake Carriers' Association.[11] The engineers induced the firemen to join the strike and by May 1, every union

[10] *Annual Report Lake Carriers' Association*, 1908, pp. 11-29. Reprinted in pamphlet form by the association, under the title of *Welfare Plan*.

[11] The Lake Carriers' Association had anticipated this action by the engineers' union. In speaking of the possibility of a strike, at the annual meeting of the association in January, Mr. Coulby had said: "If the M. E. B. A. should come out with a declaration that they are opposed to the open shop policy of the Lake Carriers' Association, which I understand they are now contemplating, I will say to you right now that there won't be an M. E. B. A. man on our ships." *Marine Review*, Jan. 12, 1909, p. 23. The association endorsed Mr. Coulby's statement and adopted it as the policy of the association.

on the boats was on strike. The other unions were opposed especially to the discharge book system which constituted a very effectual blacklist and which provided the discharged employee no appeal from the decision of his superior officer on the boat. Indeed it did not even provide that he should know the reason for his failure to have his book returned to him.

On May 11, 1909, the arbitration boards of New York, Ohio, Indiana, Illinois, Wisconsin, and Michigan met in formal joint conference in Chicago in the hope of effecting a settlement of the strike.[12] Representatives of the union appeared before this conference and stated their side of the case. The officials of the Lake Carriers' Association did not even acknowledge receipt of the formal invitation sent them by this conference of state boards to attend and state their side of the controversy. The conference then adjourned to meet in Detroit on May 20, and another invitation was extended to the Lake Carriers' Association to assist in the settlement of the strike. This invitation was declined, but the president of the association sent to the conference and simultaneously gave to the press a brief statement of the vessel owners' views on the principle of open shop and concluded by saying that such principle cannot be arbitrated.

Having no powers of arbitration nor of enforced attendance at its hearings, the joint conference then appealed to the National Civic Federation for coöperation in getting the parties together. The Lake Carriers' Association did not give up its opposition to such a conference but through the efforts of the president of the National Civic Federation a meeting of "prominent vessel owners," the president of the Federation, and the members of the joint conference of arbitration boards was held at the office of the Pittsburg Steamship Company on June 1, 1909. Mr. Coulby was spokesman for the vessel owners and again refused to arbitrate the principle of open shop. Following this conference all efforts by disinterested parties to settle the strike were discontinued and the Lake Carriers' Association and the unions were left to fight their own battles.

The season of 1908 had been, as anticipated, unusually dull and ore shipments were but 61 per cent as large as in 1907.

[12] A complete record of the efforts to settle the strike appear in the *Bulletin of the New York State Department of Labor* for June, 1909, pp. 132-158.

Many of the men were unemployed throughout the season or were given work but a part of the time. This loss of wages, added to the uncertainties of all obtaining work during 1909 and the threats of the Lake Carriers' Association to drive the members of the Marine Engineers' Benevolent Association from the Lakes if that organization opposed the open shop policy, caused many engineers to withdraw from their union rather than give up their contracts. Enough others were secured from Atlantic ports or elsewhere to start the boats. Likewise, either through newspaper advertisements or more direct methods strike-breakers were procured to take the places of other striking employees. It has been claimed by some of the union leaders that strike-breakers were imported directly from Europe and that they received pay as well as expenses during their journey to the Lakes.

The strike lasted three years but the vessel owners were able to secure enough strike-breakers to keep their boats in commission. Ore traffic was affected but litle except in the greater costs due to accidents caused by inexperienced men on the boats. The 1907 shipments were surpassed in both 1909 and 1910. Although the strike was not declared off until 1912 it had a negligible influence after 1910. By the end of that season the unions were completely disrupted.

Since 1908 wages, hours, and the conditions of work on the boats have been determined by the Lake Carriers' Association. Although some adjustments of the grades of men on the boats have been made during this time, involving a few slight changes in wages,[13] the general level of wages has been changed but little until recently.[14] At the meeting of the board of directors on April 21, 1910, it was recognized that if the Lake Carriers' Association was then dealing with the unions, the wages on the boats would undoubtedly be forced up to correspond with the

[13] *Annual Report Lake Carriers' Association*, 1910, p. 19.

[14] The war conditions of the past two years has created an unprecedented demand for iron ore. Lake traffic has enjoyed unusual prosperity and the demand for men has increased accordingly. In 1916 the union leaders began to be active again and threatened a strike against the Welfare Plan of the Lake Carriers' Association. By granting three separate increases in wages during the season, trouble was averted. *Coast Seamen's Journal*, Dec. 20, 1916, p. 2. Again at the opening of the season of 1917 the unions threatened a strike (*Ibid.*, May 2, 1917, p. 1) and again the Lake Carriers' Association responded by granting an increase in wages. *Marine Review*, June, 1917, p. 202.

general increases in wages in other branches of industry.[15] A voluntary increase was discussed and decision was left to the executive committe with the understanding that any increase or adjustment of wages should not exceed 5 per cent of the ship's payroll. Accordingly the following adjustments were made to take effect June 1, 1910:[16]

STEAM-BOATS

Men Affected	1907 Scale (last year of agreements)	1910 Scale
First mates, 1st class steel boats	$125	$130
First mates, 2nd class steel boats	108	112
First mates, 1st class wood boats	108	112
First mates, 2nd class wood boats	90	94
Second mates, 1st class steel boats	86	90
Second mates, 2nd class steel boats	75	78
Second mates, 1st class wood boats	75	78
Second mates, 2nd class wood boats	60	62.50
Wheelsmen-watchmen (new classification)		55
Deckhands	30	31.50
Chief engineers, 1st class steel boats	150 to 175	155 to 175
Chief engineers, 2nd class steel boats	125 to 150	140 to 155
Chief engineers, 1st class wood boats	125	140
Chief engineers, 2nd class wood boats	114	125
Second engineers, 1st class steel boats	100 to 115	110 to 125
Second engineers, 2nd class steel boats	90 to 100	100 to 110
Second engineers, 1st class wood boats	90	100
Second engineers, 2nd class wood boats	84	100
Third engineers	75 to 80	84
Firemen	50	52.50
Oilers	50	52.50
Water tenders	50	52.50
Chief cooks, 1st class boats	Not classified 75 to 86	90
Chief cooks, 2nd class boats		78
Chief cooks, 3rd class boats		78
Second cooks and helpers	34	36
Porters	28	30

SAIL-BOATS AND CONSORTS

First mates	70 to 75	73
Cooks	50	52.50
Seamen	50	52.50
Deckhands	30	31.50
Engineers on tow barges	70	73

[15] Ms. proceedings, Apr. 21, 1910.

[16] From data furnished by the secretary of the Lake Carriers' Association.

No other changes in wages were made for eight years after the contract system was discontinued.

Anticipating the passage of a Federal law reducing the hours of marine firemen from twelve to eight per day, the Lake Carriers' Association in 1913 changed their system of working their firemen six hours on and six hours off to three hours on and six off and increased the number of firemen accordingly. At the same time the deckhands were relieved from the work of coal-passing and the firemen were required to pass the coal when necessary. Mechanical changes have been made during recent years which have reduced the amount of coal to be passed. Vessel managers and captains have been instructed by the Lake Carriers' Association to grant their seamen watch and watch "whenever possible." The captain is the sole judge of the existence of such a possibility. The hours of seamen were increased somewhat after the agreements were discontinued, although they are less than they were before the agreements were introduced. Mechanical devices have changed the work of the seamen and have opened the way for greater dispatch so that care is taken to save minutes where formerly hours were wasted. This tends to increase the tension under which the men work at times.

The Lake Carriers' Association has followed three plans in its campaign to acquire stability of tenure on the boats. In the first place the conditions of living have been made much more attractive. Since 1909 the Welfare Committee has been the most active committee of the Association. Continued efforts have been made in the search for improvements which would increase the attractiveness of life on the boats without entailing a loss to the vessel owners. In this work the Pittsburg Steamship Company has taken the lead and has served as the experiment station for the entire association. It has been recognized that such improvements can be introduced and maintained only by education and that such education must begin with those in authority on the boats. As a rule, vessel captains, and especially those who have served on sailing vessels, are opposed to innovations.

Since 1905 the Pittsburg Steamship Company has met its captains in annual sessions and since 1909 has met its engineers at about the same time. Other fleets have since adopted the same plan. At these meetings the various problems connected with the operation of the boats are discussed and changes, mechanical or otherwise, are explained. Committees of captains and others

of engineers have a place in studying the evils to be corrected and in making recommendations. Every proposed change has first been tried out by a few of the boats. If it has been successful here, it gradually finds favor with a majority of the progressive officers. The declared policy of the Pittsburg Steamship Company is that it will not issue an order that a change must become operative until 50 per cent of the captains (or engineers as the case may be) are favorable to it. In time many of the changes introduced by this fleet have been accepted by other vessel owners and managers, and somewhat later have become rules of the Lake Carriers' Association, to be followed by all vessels.

In this manner many improvements have been made in the methods of providing for the physical comforts of the men on the boats. Having educated the captain, it is an even greater task to educate the unlicensed men to take advantage of some of the provisions made for them, such as sanitary toilets and bathing facilities. Much attention has been given also to the quality and preparation of food and some needed improvements have been made here. Changes have been made in the methods of paying the men so that payment of even deckhands and firemen monthly by check is finding increasing favor among vessel owners and managers. Men are encouraged to save their earnings and arrangements have been made with the Cleveland Trust Company by which the Lake Carriers' Association will deposit whatever portion of a man's wages he desires to have entered on a savings' account. Captains have been instructed to use every means to urge their men to take advantage of this opportunity. Such accounts were first opened in May, 1911. The early progress of the plan is shown in the following table, covering three years of its operation:[17]

DEPOSITS OF VESSEL EMPLOYEES WITH CLEVELAND TRUST COMPANY

	Dec. 31, 1911	Dec. 31, 1912	Dec. 31, 1913	July 31, 1914
Total deposits to.....	$106,149.86	$331,976.44	$570,336.37	$661,694.99
Total withdrawals to..	58,393.84	218.418.89	415,417.33	508,080.69
Net total deposits on..	47,756.02	113,577.55	154,921.04	153,614.30
Accounts opened to....	844	2,443	3,919	4,765
Accounts closed to....	329	1,779	2,945	3,329
Accounts in force on..	515	644	974	1,427

[17] Data for this and the following tables furnished by the secretary of the Lake Carriers' Association.

Club-rooms have gradually been made a little more attractive and night schools for the winter months have been introduced. The club-rooms are maintained from December 1 to March 31 by dues paid to the welfare fund by the members of the welfare plan. The number of such club-rooms and the average daily attendance for the years, from 1909 to 1914, are as follows:

AVERAGE ATTENDANCE AT CLUB-ROOMS

	Licensed men		Unlicensed men	
Year	Number club-rooms	Average attendance	Number club-rooms	Average attendance
1909-10	4	102	8	322
1910-11	6	201	11	528
1911-12	6	150	11	423
1912-13	7	212	11	390
1913-14	7	255	11	528

During the winter of 1913-14 night schools were maintained as follows, at a total cost of $823.66, also paid from the contributions to the welfare fund:

NIGHT SCHOOLS, 1913-1914

Place	Length of term	No. classes	No. enrolled	Total attendance	Average attendance
Buffalo	Jan. 9, 1914, to March 28, 1914	36	135	797	22
Cleveland	Jan. 9, 1914, to March 28, 1914	36	158	843	23
Detroit	Jan. 9, 1914, to March 28, 1914	27	71	468	17
Duluth	Jan. 9, 1914, to March 28, 1914	53	49	730	14
Marine City	Jan. 9, 1914, to March 6, 1914	27	53	376	14

Unlicensed men are urged to prepare themselves for license examinations and schools have been opened for the purpose of furnishing them needed instruction.

In the second place, a great deal of attention has been given to the question of discipline on the boats. Not only are the men in the employ of the members of the Lake Carriers' Association admitted to membership in the welfare plan, but others as well are enrolled upon application so that there is normally a surplus of men from which vacancies on the boats are filled. The number required to man the boats in commission during the three

years from 1911 to 1913, as compared with the number of men registered in the welfare plan is as follows:

Year	Number to man boats	Number registered
1911	8,030	15,106
1912	9,628	18,197
1913	10,476	19,481

During these three years the percentage of men actually employed who were members of the welfare plan was respectively 93.54, 91.69, and 84.91; so that a more exact statement of the information in the above table would read:

Year	No. positions to be filled by members of welfare plan	No. registered to fill these positions
1911	7,510	15,106
1912	8,828	18,197
1913	8,895	19,481

It must be recognized, of course, that there is always more or less shifting of men from the Lakes to other sections of the country and to other occupations. As a partial offset to the movement of the men from the Lakes, there are relatively few changes in licensed officers during a season or even from season to season. Hence during a normal year there is never a very great surplus of licensed men to fill the vacancies that occur in their positions. But of unlicensed men there is nearly always a surplus. For example in the above table, while 1911 was a dull season, both 1912 and 1913 were good years. This continuing surplus of unlicensed men makes possible a selection of the types most suitable to the vessel owners. Preference is always given to young men of sober habits, whose loyalty to their employers reduces to a minimum their activity as union agitators or as trouble makers of any kind. The discharge book gives the officials of the Lake Carriers' Association a continuous record of the character of a man's work and of his attitude toward his employers as reflected in his work. In addition, the individual owners and the association, through various kinds of spy systems, keep in close touch with the activities of the unions and of the men most prominent in them. Hence it is possible at any time to remove men who make trouble, whether in the cause of unionism or otherwise, and replace them with others more loyal to the vessel owners.

Finally, the Lake Carriers' Association has made conscious and persistent efforts to secure for service on the boats different types of men than formerly worked there. As firemen, the former irresponsible floaters have been replaced by southern Europeans, especially Greeks, Poles, Italians, Austrians, and Slavs. These men have been found to be willing workers, temperate in their habits, oftentimes without a home or domestic connections other than those afforded on the boats, and for the most part they are unacquainted with unionism or collective action of any sort. Most of them are frugal in their habits of living, anxious to earn and anxious to save. They are willing to undertake hard tasks for what to them is a high wage and they obey orders, when they understand them, uncomplainingly. It has ceased to be the universal custom on the Lakes to expect firemen to become engineers and these men are in many cases expected to continue to do the work of firing the boilers. Some effort has been made by the Lake Carriers' Association to secure as oilers and handymen graduates of engineering and technical schools from whom engineers are expected to be developed.

A large percentage of the masters and mates live in small towns near the Lakes or in rural districts. During the last few years these men have been expected to bring their deck crews and especially their deckhands with them at fitting out time in the spring. These farmer youths are unacquainted with unionism, have no prejudices against their employers or the employing class, are regular in their habits, and for a time at least are glad to accept without question the change of work and the relatively high wages offered them. Opportunities for advancement are afforded them and the possibility of their becoming licensed officers within a relatively short time holds many of them on the boats in preference to a return to the farm or rural village where the outlook for the future is more narrow. Under the system employed by some fleets, again led by the Pittsburg Steamship Company, which provides that promotions shall be made only from the ranks of employees of that fleet, continuous service on one boat is considered a strong recommendation when promotions are to be made. Southern Europeans are also used as deckhands on some boats.

From statistics compiled by the Lake Carriers' Association, it

appears that this combination of the substitution of southern Europeans and farmer youth for the older types of firemen and deckhands; greater care for and attention to the physical comforts of the men on the boats; encouragements offered for continuous service; and rigid discipline and the dismissal of trouble makers has resulted in greater stability of tenure of unlicensed employees. For example, the experience table for able seamen, including wheelsmen, watchmen, firemen, handymen, oilers and stewards, for the years from 1911 to 1913 indicates that these men remain on the boats longer than formerly:

CUMULATIVE PERCENTAGE EXPERIENCE TABLE OF ABLE SEAMEN

	Percent of total		
Years of experience on lake boats	1911	1912	1913
Under 1 year		4.59	1.99
1 year or less	11.66	10.22	6.22
2 years or less	28.33	20.01	13.39
3 years or less	43.42	33.91	23.03
4 years or less	53.58	45.84	34.76
5 years or less	61.77	54.13	44.10
10 years or less	81.78	78.79	73.16
Total	100.00	100.00	100.00

While this table shows that an increasing percentage of the able seamen remain on the Lakes, it does not prove that an increasing percentage of them remain on one particular boat longer than formerly. However, in view of the other facts previously stated regarding the efforts to increase the stability of tenure of this class of labor, such inference is perhaps permissable. The age table for able seamen indicates the same thing as the experience table:

CUMULATIVE PERCENTAGE AGE TABLE OF ABLE SEAMEN

	Percent of total		
Years of age	1911	1912	1913
20 or less	9.48	7.24	5.37
21 or less	15.78	13.07	10.15
22 or less	23.79	19.75	16.39
23 or less	32.90	27.81	23.57
24 or less	40.27	35.57	30.73
25 or less	46.48	42.07	37.35
30 or less	69.50	66.59	63.10
35 or less	82.17	80.22	78.91
Total	100.00	100.00	100.00

The experience and age tables for ordinary seamen, including deckhands, second cooks, and porters, show a similar progressive increase in the percentage of men who remain on the Lakes, though relatively smaller changes are recorded than in the case of the able seamen. Since the able seamen are recruited from the ordinary seamen, it is to be expected that more changes would occur in the latter class of men than in the former. In considering the experience table of ordinary seamen it should be noted that the year 1911 was a dull year on the Lakes so that the proportion of inexperienced men attracted to the Lakes and employed by the vessel owners would be smaller than in a normal year. Hence the percentage 34.59 is hardly representative of the general trend.

CUMULATIVE PERCENTAGE EXPERIENCE TABLE OF ORDINARY SEAMEN

	Percent of total		
Years of experience on lake boats	1911	1912	1913
Under 1 year	34.59	49.93	49.84
1 year or less	67.23	66.88	66.02
2 years or less	83.12	78.83	75.88
3 years or less	90.69	87.03	83.92
4 years or less	93.80	91.14	88.95
5 years or less	95.46	93.29	91.61
10 years or less	98.47	97.71	97.11
Total	100.00	100.00	100.00

CUMULATIVE PERCENTAGE AGE TABLE OF ORDINARY SEAMEN

	Percent of total		
Years of age	1911	1912	1913
19 or less	23.31	21.30	18.47
20 or less	32.46	30.85	28.63
21 or less	45.36	42.52	40.92
22 or less	56.02	53.48	51.85
23 or less	64.22	61.11	59.67
24 or less	69.53	67.08	65.63
25 or less	73.64	71.87	70.29
30 or less	86.12	86.12	85.70
35 or less	92.40	92.31	92.55
Total	100.00	100.00	100.00

There has been relatively little change in the age of ordinary seamen since the years from 1905 to 1907 when trade agreements were in force, except that the older men are gradually being displaced by the younger. The following age table for ordinary

seamen enrolled in the Lake Seamen's Union during the years from 1905 to 1907 inclusive is compiled from data furnished by the secretary of the union:

CUMULATIVE PERCENTAGE AGE TABLE OF ORDINARY SEAMEN IN THE LAKE SEAMEN'S UNION, 1905-1907

	Percent of total		
Years of age	1905	1906	1907
21 or less	41.33	45.69	45.28
25 or less	66.84	70.18	69.05
30 or less	80.33	82.94	82.73
35 or less	88.05	89.18	89.50
Total	100.00	100.00	100.00

Since there is no record of total shipments of men per year during the period of trade agreements, it is not possible to state definitely whether or not there has been a gain in the stability of men on individual boats since the agreements were discontinued. Any gain that has been made is relative at best since there is still considerable shifting of men, especially among firemen and deckhands. The following table shows the amount of such changes in each grade of employment on the boats enrolled in the Lake Carriers' Association during the season of 1913:

STABILITY OF TENURE ON LAKE BOATS, 1913

Class of work	Total number shipped	Average per boat	Largest number required on any boat
Deckhands	23,415	55	6
Firemen	10,891	26	6
Wheelsmen and watchmen	6,074	15	4
Second cooks	1,482	4	1
Porters	2,473	6	1
Oilers	1,788	4	2

This table shows that an average of more than nine changes were made during the season in keeping each job of deckhand filled;[18] that an average of more than four changes were made in keeping each job of fireman filled, in spite of the extensive use of southern Europeans in this work and in spite of the fact that during the season the hours of firemen were reduced from twelve to eight per day: and so on.

[18] In reality the average was even larger; for not all of the boats used six deckhands at any one time. The same is true of the other averages quoted in this table.

From the foregoing it appears that even though considerable progress has been made, the goal of the Lake Carriers' Association in its dealings with labor has not yet been reached.

While it is undoubtedly true that the threats of the union leaders to call a strike against the Welfare Plan in 1916 and again in 1917 helped the members of the Lake Carriers' Association to decide upon increases in the wages of their employees during these two seasons, there is little evidence to indicate that the unions are strong enough to overthrow the labor policy of the association at the present time. Indeed, with the vessel owners and the employees organized as they are at present, it is hard to foresee the time when union recognition and trade agreements will again be granted by the Lake Carriers' Association. Dominated as it is by the desires of interests whose policy in dealing with labor in all the varied industries from mine to finished product is to refuse to deal with labor in its collective capacity, the Lake Carriers' Association may be expected to continue to shape its labor policy to conform to that of the dominating interests. And unless the various unions whose members man lake vessels develop strength not yet apparent, the association may be expected to continue to be successful in maintaining non-union control of labor engaged in lake traffic.

In the absence of trade agreements, there are apparently three ways in which progress may be made in the direction of improvement of labor conditions on the boats: First, the threat of the return of union control through the maintenance of strong unions; second, welfare work initiated and furthered by the vessel owners; and third, legislation.

Unquestionably the maintenance of strong unions is in itself a source of power to their members, even though such unions do not receive recognition. But where labor organizations are frowned upon by employers it is no easy task to keep men in the union, especially in an industry where there is normally a considerable surplus of labor from which the employers may draw workers to take the places of those found to be undesirable for any reason by their superior officers on the boats. It is only in the unusual, rush seasons, when the demand for labor increases so rapidly that all available workers are employed at full time, leaving no surplus and providing no new source of supply, that

the threats of the partially representative unions become effective. For eight years after trade agreements were discontinued on the Lakes, the demands and the threats of the unions were successfully ignored by the Lake Carriers' Association. It was not until the unprecedented demand for labor to help move the ore required in war times had depleted the surplus of unemployed men seeking employment on the boats that the association saw fit to give heed to the threats of the union leaders. And even now there is no assurance that labor will retain the wage gains of these two seasons or any part of them after the existing period of labor shortage has passed.

Though the Lake Carriers' Association persistently refuses to deal with the representatives of organized labor, the vessel owners have not closed their eyes to the necessity for giving attention to the comfort and well-being of their employees. Both as individuals and as an association they have made improvements in the living conditions of the men on the boats. Measured by the conditions which ante-dated the agreements, the welfare committee of the Lake Carriers' Association and many of the individual owners have done much constructive work in making life on the boats more attractive. Of course all expenditures that have been made in the name of welfare work have paid satisfactory returns to the vessel owners and it may fairly be assumed that profits will not be sacrificed in whatever extension is made in welfare work in the future.

Several laws have been passed which affect directly the work of men employed upon lake boats. These laws, in so far as they define the conditions of labor which must be observed upon the lake boats, constitute, of course, a substitute for trade agreements. But it can hardly be expected that the laborers on lake vessels will ever attain sufficient political importance to induce Congress to consider all of their grievances. Furthermore, many of these grievances are not peculiar to lake traffic but are common to other industries as well. The experience of the unions on the lake boats in their defeat by the Lake Carriers' Association is but one of the many instances where the unaided forces of organized labor have proved impotent before the onslaughts of organized capital. It would seem that if labor is to regain its bargaining power in such industries, it must enlist the support

of outside forces, possibly the government through legislation, which will strengthen unionism in its struggles with organized capital.[19] To accomplish this end means a closer unity of labor interests than obtains at present and a comprehensive program of legislation which has not yet been effectively worked out.

[19] Since these lines were written a press announcement indicates that the Federal government has become a party to the labor contract on the lake boats. The Chicago *Tribune* of November 1 contains the following statement:

Seamen on the Great Lakes will rejoice today to learn that by agreement the so-called discharge book . . . is to be abolished. In its place will spring up a discharge certificate system, operated under government supervision, which will guard against incompetency.

The announcement comes at the close of an investigation, started early in the fall when a far reaching strike on the Great Lakes was imminent.

The *Tribune* statement quotes the decision of the shipping board as follows:

The shipping board has received the report of the investigation into the Welfare Plan and discharge book of the Lake Carriers' Association in operation on the Great Lakes and the matter of overtime work and pay. Upon all the evidence received this board has decided that the discharge book is undesirable and should be abolished.

The matter of overtime work and pay is under further consideration. The board desires if possible to work out and put into effect a plan for taking up and promptly adjusting any grievances as they may arise.

APPENDIX A

NOTE

The three appendices constitute three short studies of wage bargaining in industries very closely related to the operation of vessels owned by the members of the Lake Carriers' Association. All three studies were made while the writer was in the employ of the United States Commission on Industrial Relations and none of them have been carried beyond the season of 1914.

WAGE BARGAINING ON LAKE ERIE DOCKS

The first bulk ore brought down the Lakes was shoveled from the hold of the vessel to an intermediate staging and from there to the deck.[1] It was then conveyed in wheelbarrows over a bridge to the dock. The first improvement upon this method of handling the ore was the use of a whiskey barrel sawed in two, with knotted ropes passed through eye holes on each side. This formed a bucket into which the ore was shoveled. A block and fall fastened to one of the spars of the vessel and a horse at the end of the rope was the machine that hoisted the bucket of ore from the hold to the deck. The wheelbarrows were still used to transport the ore to the dock.[2]

In 1867 a dock engine replaced the horse after its superiority had been demonstrated beyond question to the skeptical vessel captains.[3] The next decade brought the swinging crane to convey the buckets of ore directly from the deck of the vessel to the dock or cars.[4] In the following decade the Brown hoisting and conveying machine came into general use. It did away with the necessity for wheeling the ore or swinging it by cranes, but it made very little change in the method of handling it in the hold

[1] *Marine Review*, June 15, 1905, p. 21.
[2] *Marine Record*, Nov. 10, 1898, p. 9.
[3] *Marine Review*, Dec. 1, 1904, p. 18.
[4] *Ibid.*, Sept. 20, 1906, p. 31.

of the vessel since the Brown buckets had but one ton capacity and were filled by the ore shovelers.[5]

In 1901 the first clam-shell grab bucket was erected. This had a capacity of ten tons and was expected to remove 90 per cent of the ore without the aid of shovelers.[6] By improving upon the principle of the grab bucket and by changing the construction of the boats so as to bring the maximum amount of ore within the reach of these automatic unloaders, it is now possible to remove 97 per cent of the vessel's cargo without the aid of shovelers. Modern grab buckets have a reach of twenty-one feet and a capacity of twenty tons.

It has been a common saying on the ore docks that no device for unloading ore has ever been permitted to wear out. It has always been replaced by more modern machinery before it reached that stage. Each new invention reduced the cost of handling the ore. Even the change from the shovel-bucket-wheelbarrow method to the Brown hoist reduced the cost from $.50 per ton to $.18 per ton.[7] Modifications followed each other so closely that dock managers protested against too frequent changes which would give one manager an advantage over his rivals.[8] Another result of the effects of such competition was the formation of price agreements or understanding almost as soon as ore handling became a large enterprise on the Lakes.

By the early nineties the ore and coal handlers had organized unions and had begun to try to dictate terms of employment to the dock managers in much the same manner as the seamen tried to dictate terms to the vessel owners. Gradually these unions joined the International Longshoremen's Association until by 1899 almost every man working on the Lake Erie docks was a member of that organization. The dock managers fought the unions up to this time, but the boom in lake traffic and especially in ore shipments created such a demand for men in this and the following year as to give the unions an advantage over their employers. The unions used this advantage and called frequent strikes for advances in wages. Recognizing the existence of price agreements, the unions played one port against another and ef-

[5] The first Brown hoists were used in 1881. *Marine Review*, May 14, 1903, p. 26.

[6] *Marine Record*, Nov. 29, 1900, p. 11.

[7] *Marine Review*, May 14, 1908, p. 13.

[8] *Ibid.*, Sept. 20, 1906, p. 30.

fected general increases by taking advantage of local conditions.[9] There was always uncertainty about the wages necessary to obtain sufficient men and even about the ability to obtain men at any wage during busy seasons.

Ore handling was difficult work, involving long hours. It was also casual work since the boats arrived at the docks irregularly. The hard work, long hours and irregularity of work attracted a shifting class of laborers among whom drunkenness was common. The predominance of unskilled laborers placed the control of the unions in the hands of irresponsible men. Only the minority of skilled men, the hoisters and engineers, were permanent workers and even these were held at their machines by the bonus system for regular work.

In order to systemize their work and if possible to place responsibility for the regular attendance of their men when they were needed, the dock managers granted the request of the union for trade agreements in March, 1900.[10] The employers had no permanent organization but met each year as individuals to fix prices, discuss labor questions, legislation, and any other matters of common interest. Each man financed his own trip to the annual meeting at Cleveland and the association had no treasury. Agreements were signed by all who expected to abide by their terms and violations by managers were expected to be punished by the union. In the same manner the union was expected to force any hesitant manager to sign the agreement which had been accepted by his competitors.

The agreements signed in March, 1900, granted to the International Longshoremen's Association closed union shop to govern the unloading of ore for the season. Although the conference was brought about by the general officers, representatives of the local unions were present. Some of the locals objected to any conference with the employers, as a display of weakness, and desired to continue the system of taking advantage of the employers whenever a favorable opportunity was offered. The main issues covered in the agreement were as follows:[11] For the first time the hours of ore unloaders were fixed for the season. Previous to this time the working day for the rush season was the

[9] *Marine Record*, Jan. 27, 1898, p. 5.
[10] *Ibid.*, Mar. 15, 1900, p. 6.
[11] From copy of agreement.

limit of the physical endurance of the men and sometimes reached as high as forty-two hours at one shift. Under the agreement, hours were fixed at twelve per day with arrangement for a limited amount of overtime when necessary. There was to be no work on specified holidays or on Sundays unless the vessel was in a wrecked condition. Wages were fixed in the agreement according to the class of work. Both time rates and piece rates were used. The selection of gangs to unload the boats was to be by rotation, to avoid the practice of favoritism which had prevailed formerly. Gang bosses were to be members of the union to be selected jointly by the dock superintendent and the men interested. Hoisters and engineers were given a monthly wage. Intoxication or the bringing of liquor to the docks was prohibited. All grievances were to be settled by arbitration, with no cessations of work in the meantime.

During 1900 and 1901 two agreements were made for each year; one to cover the regular navigation season, May 1 to December 1, and the other to cover the winter season from December 1 to May 1. Beginning in 1902 agreements to cover both seasons were granted annually until 1906. Winter hours during 1900 and 1901 were ten per day. In 1902 the hours for the navigation season were reduced to eleven,[12] while the winter hours remained at ten. Slight increases in wages were granted from time to time and minor changes were made in the agreements. Although occasional unauthorized strikes were called by local unions, the general officers succeeded in making conditions of work on the docks much more stable than formerly and much more satisfactory to the dock managers.

In 1906 no real differences existed between the dock managers and the union and it was not anticipated that any trouble would be had in reaching an agreement. Then the union refused the dock managers a conference pending its attempt to force the Lake Carriers' Association to recognize the union of mates.[13] This involved a general nine days' strike when the agreement for the winter of 1905-1906 expired on April 30, 1906. On May

[12] This was the first season in the half century that ore handlers had been employed that their regular hours of work were less than twelve per day. The reduction affected about 20,000 men. *Marine Record*, Apr. 3, 1902, p. 7.

[13] *Cf. supra*, p. 73.

9, 1906, the strike was declared off and two days later an agreement was reached. At the request of the dock managers its term was extended from one to two years. The only material change from the former agreement was a further reduction of the day to ten hours.[14]

Although the first automatic grab bucket was constructed in 1901, it took considerable time for a complete change to be made on all the docks. Whenever such an unloader was installed a large number of ore shovelers were thrown out of employment in spite of the rapidly increasing receipts of ore at the Lake Erie docks. At the same time the demand for skilled workers, men capable of operating the machines, increased. By 1908 the total number of men employed on the docks had been gradually reduced and the character of the work of unloading the ore had changed from hand work to machine work. A few shovelers were still used to clean up the 3 to 5 per cent of the ore which the automatic grab buckets could not reach unaided; but the number required for this work was but a fraction of the number formerly required to fill the buckets under the old system of unloading the vessels. At the same time the men accustomed to shovel the ore were not usually the kind of men required to operate machinery.

The loss of union strength was directly proportional to the construction of automatic unloaders and was especially rapid in 1906 and 1907. Nevertheless the union expected a renewal of the two year agreement signed in 1906 and early in 1908 asked for a conference with the dock managers. Letters to that effect were either ignored or were answered evasively until open shop was declared by the Lake Carriers' Association on April 9, 1908.[15] Within a few days the dock managers also declared open shop and refused to discuss the subject with the union officials. The declaration read as follows:[16]

> The experience of the dock managers and dock superintendents for the past few years has demonstrated the necessity of operating the docks on the open shop principle in order to give them the proper control of their docks,

[14] The union waived a demand for an increase in wages in order to secure the ten hour day. *Marine Review*, May 17, 1906, p. 22.

[15] Ms. records of International Longshoremen's Association, *passim*.

[16] *Marine Review*, Apr. 23, 1908, pp. 20-21.

which is required for the equal good of the owners, their employes, the vessel interests and all concerned; therefore, be it

Resolved, First that the dock managers of Lake Erie do now declare that the open shop principle be adopted, and adhered to on our docks.

Second, that the dock managers stand for the open shop principle.

Third, that it is the intent of the dock managers to pay a fair and just rate of wages, to insist on such rules and regulations as shall conduce to the well being of their employes and shall enforce a system of discipline requiring faithful and diligent performance of duty.

Fourth, and at this meeting, representing all the docks on Lake Erie, it is voted to adhere to and observe this action.

The relationship between the vessel owners and the dock managers is a very intimate one so that the same motives actuated both in their labor policies. For example, a prominent corporation in Cleveland styles itself a selling agency. It buys ore from mines, manages boats and docks, and sells ore to furnaces. Its members are stockholders in every process of iron and steel production and in every transportation agency from the mining of the ore to the selling of the finished product. Hence it was natural that a man who believed in non-unionism as a vessel owner would also believe in non-unionism as a dock manager.

The dock managers continued the same wages and conditions of work as under the agreements. Upon a referendum vote the union decided not to strike against the declaration of open shop, but to await a more favorable opportunity to protest against this action of the dock managers. In some cases at least the employers forced the union members to sign individual contracts declaring their withdrawal from their organization.[17] Also by refusing to receive boats at certain docks until the union members had surrendered their charters, the employers succeeded in driving all local unions from the docks.[18] The enrollment of 4,500 members on the ore and coal docks in 1907 was reduced to the negligible number of less than 300 in 1908, while 25 of the 30 locals had surrendered their charters by the later date. The others had a nominal existence for a short time longer.

Since the breakup of the agreements, the dock managers have adopted the system followed by some of the vessel owners of filling positions by promotion from their own employees whenever possible. In this manner they hope to encourage faithful-

[17] *Proceedings International Longshoremen's Association*, 1908, p. 17.

[18] The fencing of the docks aided materially also. *Cf. supra*, p. 76.

ness in service and loyalty to employers. More rigid rules of discipline have been introduced and efforts have been made to secure a more desirable class of men. Since the agreements have been discontinued the shovelers have been mostly southern Europeans while young Americans were secured wherever possible to operate the machines.

APPENDIX B

GRAIN HANDLERS' AGREEMENTS

As soon as the rich farm lands along the shores of Lake Erie began to produce a surplus of grain, shipments by lake to Buffalo and thence to the eastern markets began. Somewhat later, 1831, the first grain shipments from Lake Michigan, consisting of a few bags of wheat, were received at Buffalo.[19] By 1840 the grain trade at Buffalo had become established. Upon arrival at Buffalo the grain was carried up ladders on the backs of the grain handlers or was hoisted to the deck in barrels and carried in baskets to the warehouses, or to the floating warehouses used to transport grain from the lake vessels to the canal boats.[20] A horse power elevator had been tried without success and the warehouse operators continued to believe "Irishmen's backs are the cheapest elevators." In this manner about 2,000 bushels could be taken from a boat in one day. The grain was weighed in a fifteen bushel hopper suspended from a steel-yard beam placed over the hatch.[21]

The rapidly increasing receipts of grain gave greater impetus to efforts to perfect a power elevator and in 1842 the first successful elevator was constructed. It applied steam power to an endless belt set with two-quart buckets twenty-eight inches apart.[22] This elevator had but one leg and had a capacity of 55,000 bushels daily. Three years later a second leg was added and the capacity was doubled. The grain handlers were still needed to place the grain within reach of the elevator legs. In the sixties the steam shovel came into use.[23] This supplemented the work of the elevator legs and took the place of a part of the shovelers. With the continually increasing shipments of grain, the receipts

[19] *Marine Review*, Feb. 22, 1906, p. 15.
[20] *Ibid.*, June 20, 1907, p. 21.
[21] *Ibid.*, May 30, 1907, p. 25.
[22] *Ibid.*, May 30, 1907, p. 22.
[23] *Marine Record*, July 27, 1899, p. 7.

having exceeded 50,000,000 bushels in 1866, the number of grain handlers remained about the same since they were needed to clean up and to help the steam shovels. Since the introduction of the steam shovels, but little change has been made in the methods of handling grain at Buffalo. Suction elevators have been tried without success. Relatively, but little change has been made in the number of grain handlers required.

The amount paid by the vessel owner for unloading the grain has always been a piece price. In 1865 it was $4.00 per thousand bushels for sail-boats and $4.50 for steam-boats.[24] Of this amount one-half was paid to the owners of the steam shovels and the remainder was paid to the grain handlers. Shoveling grain is, of course, one of the simplest of occupations and requires a minimum of skill. Since the arrival of boats was irregular, steady work was out of the question. On any particular day all elevators might have vessels to unload and hence have a demand for shovelers; or none of them might need shovelers for days at a time.

Wages were relatively high for the time worked. The men who followed the work of grain shoveling were a shifting mixture of old men, tramps, saloon loafers who were driven to a day's work occasionally, and men who tried to make enough at the work to keep themselves and their families. While waiting for the arrival of expected boats or during an off day the meeting places of these men were the numerous saloons which studded the docks. An elevator operator who needed men soon acquired the habit of sending to these saloons for them.

From this set of circumstances developed the saloon-boss system of control over the grain handlers.[25] Each elevator operator came to patronize one particular saloon because he could depend upon its keeper to furnish needed men. The saloon keeper next assumed the responsibility of supplying the men at a price agreed upon by himself and the elevator operator. The saloon keeper then paid the shovelers at his saloon. This gave him several sources of profit: First he received a neat commission from the elevator operator for furnishing the men: second, a considerable portion of the wages paid out by him were turned back in payment for drink; third, many of the men were floating laborers and were

[24] *Marine Record*, July 27, 1899, p. 8.
[25] *Ibid.*, May 11, 1899, p. 7.

forced to live in boarding-houses in which the saloon bosses had an interest; finally, since each saloon keeper was a ward politician, the number of votes which he could thus control netted him an additional annual profit.[26]

From every point of view it was advantageous for the saloon boss to have at his command the largest possible number of men, regardless of the needs of the grain shoveling business. Having such a surplus of men at all times it was very easy to exercise discrimination in giving out work, paying particular attention to the amount of money spent with the saloon for drink and to the degree of subservience in politics. In many cases the men were forced to spend a fixed minimum of their wages in the saloon or were given beer checks as a part of their pay. While the wages paid to the gang were supposed to be divided among the members of the gang, dummies were often carried on the payrolls and the saloon boss pocketed the wages.

In 1882 the patent on the steam shovels expired and a reduction of $.50 per thousand bushels was made in the price paid to the owners of the shovels.[27] The amount paid to the saloon bosses continued to be $2.00 per thousand bushels for grain unloaded from sail-boats and $2.25 for steam-boats until 1895. The advantages accruing to the saloon bosses soon became so great that the rivalry among the various gangs resulted in rebates to the vessel owners in return for sending the vessel to the elevators where such gangs worked. Rebates were as high as $.50 per thousand bushels and were deducted from the wages of the shovelers.

In 1894 a disagreement arose between the vessel owners and the elevator operators and the rate paid to the owners of steam shovels was cut $.25 per thousand bushels, the rate to the shovelers to remain as before. The saloon boss system was expensive to the vessel owners in spite of the occasional rebates. Delays were sometimes suffered because of the lack of responsibility in handling the men. Furthermore, a higher charge was made for unloading wet grain and in the absence of responsible parties in charge of the work the vessel owners were often made to pay extortionate rates on mere claim of wet grain or have their boats tied up. Hence in 1895 when one saloon boss conceived the idea

[26] *Marine Review*, Apr. 11, 1895, p. 7; *Marine Record*, July 27, 1899, p. 7.
[27] *Ibid.*, July 27, 1899, p. 7.

of driving out his competitors by taking the contract for all grain shoveling at Buffalo, the vessel owners accepted the chance to centre responsibility and the Lake Carriers' Association granted a year's contract at $3.50 per thousand bushels regardless of the condition of the grain.[28] It was understood that of this amount, $1.50 would be paid to the owners of the steam shovels, $1.85 to the shovelers, and $.15 to the contractor. Since this contract abolished the rebate system, the reduction in the amount paid to the grain handlers was more apparent than real.

This contract was more satisfactory to the vessel owners than the previous system of numerous saloon bosses. It was hoped that it would also correct the abuses suffered by the men. The contractor agreed to employ the same men who had been at work in the various gangs; to pay them weekly at his office or, if they were at work when the pay was due, at the elevator where they were at work and not in any saloon or other place where beer or liquor was sold; and to pay the full amount earned by the men without any deduction for any bill owed by them.[29] Nevertheless a large surplus of men was carried and politics and saloon patronage still played a large part in the selection of men.

In 1896 the contract was renewed at the same price. The grain scoopers' union had asked the Lake Carriers' Association to grant the union the contract directly but the request was refused. In 1897 the price was reduced to $3.35 per thousand bushels, the reduction to fall upon the owners of the steam shovels. In 1898 a further reduction to $3.10 per thousand bushels was made to fall partly upon the owners of the steam shovels, making their rate $1.20 per thousand bushels, while the contractor was to receive but $.05 instead of the customary $.15. This later reduction was accepted because of the efforts being made by the other contractors to secure this contract.

In 1899 the grain unloading contract was granted to a new man at the same price paid to the former contractor in 1898 in order to show all contractors that there was no favoritism and hence to encourage future competition on a more advantageous basis to the vessel owners.[30] It was understood that of the $3.10 paid to the contractor, the steam shovel owners would receive

[28] *Annual Report Lake Carriers' Association*, 1896, p. 5.
[29] *Marine Review*, Apr. 11, 1895, p. 7.
[30] *Marine Record*, May 18, 1899, p. 7.

$1.20, the shovelers $1.85, and the contractor $.05. Instead of following out this program the contractor immediately reduced the wages of his men to $.25 per hour while working. He continued to pay the steam shovel owners $1.20 per thousand bushels and retained the remainder of the $3.10, amounting to about $.77 per thousand bushels, for himself.

The enormous cut in wages caused the grain shovelers to strike. There had been a union in the trade for a number of years, but it had had but little influence upon wages. The officials of the union and of the parent union, the International Longshoremen's Asociation, held a conference with the grain committe of the Lake Carriers' Association and again asked that the contract be granted to the union. The union offered to furnish bond to the Lake Carriers' Association to insure faithful performance of their contract, in return for a closed union shop agreement. All differences were to be submitted to a board of arbitration to consist of one employer, one representative of the union, and a third member to be selected by these two. The paymaster was to be "absolutely disassociated from either saloon or political influence."[31] In view of the growing strength of the other unions on the Lakes at this time, and the unpreparedness of the Lake Carriers' Association to deal with these by contract, it was thought best not to set a precedent by signing an agreement with the grain shovelers. The new contractor was upheld and was given enough more than the contract price to permit him to make a satisfactory agreement with the shovelers.

On May 22, 1899, the contractor made his agreement with the union, granting closed union shop and fixing the scale for the season. In 1900 the Lake Carriers' Association abolished the contract system and hired a superintendent instead. Through this superintendent the association made an agreement with the scoopers union for the season of 1900.[32] Again the agreement called for closed union shop conditions and fixed the wages at $2.00 per thousand bushels unloaded on regular time, $3.00 per thousand bushels unloaded after 10 P. M. on Saturday night and on Sunday, and $.20 per hour for handling wet grain.[33] No

[31] *Proceedings International Longshoremen's Association*, 1899, p. 10.

[32] *Ibid.*, 1900, p. 13.

[33] Under these rates the highest amount received by one scooper during the year was $479. *Marine Record*, Jan. 17, 1901, p. 19.

saloon or political influence was to be used either in the selection or the payment of the men.

The boss scooper at each elevator was to be appointed by the president of the union and the Lake Carriers' Association superintendent, or in the event of their disagreement, by the president of the International Longshoremen's Association. Men could be discharged only for cause, the existence of such cause to be determined by the president of the international union.[34] Trouble soon arose over the selection of boss scoopers since the president of the local union contended that the superintendent must make his selection from a list submitted by the president of the union. Upon appeal to the president of the international union, it was decided that the boss scoopers must also be known to the superintendent. Other matters referred to the international president recived prompt and satisfactory attention.

Yearly agreements were signed until 1906 when a two-year agreement was granted at the request of the Lake Carriers' Association.[35] No changes were made meantime in the principles of the 1900 agreement. Small adjustments were made in wages in 1903 and the changes were continued until the close of the season of 1907. Grievances were generally settled with little delay by the Lake Carriers' superintendent and the president of the international union.

Although having no grievances against the grain scoopers' union in 1908, the year of the declaration of open shop on the boats, the Lake Carriers' Association refused to renew the 1906 agreement. This refusal was made for the sake of consistency. The grain superintendent was retained and he continued the same wages and conditions as during the period of the agreement. In 1911, at the request of the union, an agreement was signed by the grain superintendent, granting a small increase in wages. The union was given a preferential union shop agreement which is not different in its operation from the former closed union shop agreement. Such agreements have been continued since 1911 and although the Lake Carriers' Association superintendent signs them as an individual, the association assumes the responsibility for the faithful observance of their terms.

[34] From copy of agreement.

[35] *Marine Review*, June 7, 1906, p. 38.

APPENDIX C

WAGE BARGAINING IN THE LUMBER CARRYING INDUSTRY

In the early days of lumber-carrying sailing vessels on the Lakes, the sailors loaded and unloaded their boats, assisted at times by workmen on shore. Gradually this work became a separate occupation and a class of longshoremen or lumber shovers followed it as a trade. The first union of these men was formed in Chicago in 1877.[36] A little later other locals were formed at the other important lumber shipping and receiving ports. These unions continued an independent existence until 1892, though following 1885 they assisted each other through sympathetic strikes. In fact an understanding which amounted almost to a national organization existed for the six years previous to the formation of the national union.[37]

At this time the lumber dealers owned no boats and there was direct antagonism of interest between the men who owned the lumber and those who carried it. This resulted in the formation of two associations of employers in each port; one of lumber dealers and the other of lumber carriers. Neither wished to deal with the lumber loaders and unloaders. The lumber carriers' associations were formed to regulate freight rates and the dealers' associations to regulate both freight rates and prices. The carriers always tried to induce the dealers to load and unload the cargoes and sometimes succeeded, but more often failed.[38] In case the dealers loaded and unloaded the cargoes, yard men were used. This involved the dealers in jurisdictional troubles with the lumber shovers who claimed the right to do

[36] From original seal of the union. Its name was Chicago Lumber Vessel Unloaders' Union.

[37] Ms. minutes of Lake Seamen's Union, *passim*.

[38] *Marine Review*, Feb. 12, 1891, p. 6.

such work. Except when more advantageous rates could not be obtained by agreeing to handle the cargoes, the dealers considered this work a part of lumber carrying.

From 1885 to 1892 the local associations of lumber carriers made agreements with local unions of lumber shovers and after 1892, with the International Longshoremen's Association.[39] During this time the relations of the Lake Seamen's Union to the lumber carriers were but little different from the relations existing between the seamen and the Cleveland Vessel Owners' Association [40] except that the lumber carriers never waged a war of extermination upon the seamen's union. United resistance was made to union demands but the lumber carrying business was relatively small and owners of lumber boats reaped the benefits from the union war conducted by the owners of the ore carrying boats. In 1891, before the Cleveland Vessel Owners' Association began its third campaign against the Lake Seamen's Union, and while the union was gaining strength very rapidly, the Lake Michigan Vessel Owners' Association, which at that time contained a representative membership of lumber vessel owners, proposed an agreement to the Lake Seamen's Union, with a sliding scale to be based upon the changes in freight rates. The association offered a closed union-shop agreement and suggested a permanent grievance committee to hear and decide upon grievances submitted to it.[41]

The union members were suspicious of all friendly offers from employers and refused to grant the agreement. In 1894, however, the union did make an agreement with the Vessel Owners and Masters' Association, composed of nearly the same men as the Lake Michigan Vessel Owners' Association.[42] At this time the lumber carriers were fighting the lumber dealers for an advance in freight rates and needed the assistance of the union. The wages agreed upon were based upon a sliding scale of freight rates so that every increase of rates amounting to $.25 per thousand feet of lumber called for an increase of $.25 per day in the wages of seamen. At one time during the season the

[39] *Proceedings International Longshoremen's Association, passim.*

[40] *Cf. supra*, p. 16.

[41] *Marine Review*, Feb. 19, 1891, p. 6. Also ms. minutes and correspondence of Lake Seamen's Union.

[42] Ms. minutes of Lake Seamen's Union.

owners failed to receive an anticipated increase in rates and asked the union to tie up all boats until the advance was granted. This the union assented to and the advance was granted. Hence the agreement served the purpose of the vessel owners during that season but they refused to renew it for the following season. The following season was dull and in addition the union was too weak to offer much resistance to the owners.

No other attempts at agreement with the seamen were made until 1898. When the Cleveland Vessel Owners' Association and the Lake Carriers' Association amalgamated in 1892 some of the lumber carriers joined the new Lake Carriers' Association and an increasing number gradually came in thereafter. The lumber vessel owners never received much attention in the Lake Carriers' Association, however. In the first place they were never numerous enough to have a large vote and in the second place the lumber vessels were always smaller than the ore carriers and hence their owners were not greatly interested in deepening channels and widening locks. They rather depended upon enjoying the benefits secured by the ore carriers and increased the size of their own vessels only as they secured larger cast-offs from the ore carriers. Finally, the lumber carriers were always most interested in trying to regulate freights, an activity in which the ore carriers were never successful. Occasionally a committee of the Lake Carriers' Association was appointed to consider the troubles of the lumber carriers but never gave them much relief.

This inattention to their interests resulted in a temporary withdrawal of many of the lumber carriers from the Lake Carriers' Association and in February, 1898, they formed the Lumber Carriers' Association at Detroit and established a scale of freight rates for the season.[43] This association was opposed by the Lumber Dealers' Association and by other dealers who as individuals had by this time acquired considerable lumber carrying tonnage. In order to secure support in enforcing its freight scale, overtures were made by the Lumber Carriers' Association to the International Longshoremen's Association. An offer was made to the union to grant a closed union shop agreement on condition that the union would discriminate against non-members

[43] *Marine Record*, Feb. 17, 1898, p. 9.

of the association and thus force outsiders to join it.[44] For the two years previous to this time the union had fined boats loaded by non-union men but unloaded by union men, so that the proposal of the Lumber Carriers Association was looked upon with favor.

The opposition of the lumber dealers, a general practice of rebating, and a slump in shipments in July, 1898, caused by the temporary cessation in building at the outbreak of the Spanish-American War, broke up the Lumber Carriers' Association and its members returned to the Lake Carriers' Association.[45] The severe lake storms of 1898 destroyed approximately one-eighth of all lumber carrying tonnage. The recovery from the slump in shipments aided by a tariff of $2.00 per thousand feet on Canadian lumber[46] made the following year one of great prosperity for lumber carriers. Without a freight rate combination rates increased more than 100 per cent in some cases during the season of 1899.[47]

In the meantime the unions had forced large increases in wages from the local associations of lumber carriers and from individual vessel owners. In spite of falling freights in 1900 the unions were able to maintain their wages at the level of the previous year. The lumber carriers were in much the same position as the ore carriers were in two years later. The owners were unorganized and were besieged on the one hand by rate-cutting shippers and on the other by the unions. Beginning in the early fall of 1900 organization was again talked and a preliminary meeting was arranged for January 17, 1901, to meet in Detroit.[48] Although meeting as a committee of the Lake Carriers' Association, the conference resulted in the organization of an independent association for the purpose of dealing with labor and of fixing freight rates. As in the Lake Carriers' Association, dues are paid and voting power is determined upon a per tonnage basis. The control of the association is vested in a board of managers of twelve members selected with reference to their in-

[44] *Marine Record*, Mar. 3, 1898, p. 5.
[45] *Ibid.*, June 9, 1898, p. 11.
[46] *Ibid.*, Nov. 10, 1898, p. 8.
[47] *Ibid.*, Sept. 21, 1899, p. 10.
[48] *Ibid.*, Jan. 3, 1901, p. 7.

fluence in the association and to geographical distribution so as to have the principal ports represented.

Again an attempt was made to deal with shippers on a from-dock-to-dock basis, leaving loading and unloading troubles to the shippers. Failing in this atempt, agreements were entered into with the lumber handling unions. Closed union shop agreements were granted to cover the following questions: prohibition of restriction upon amount of work to be done by each man; settlement of disputes by reference to a grievance committee; and establishing a scale of wages at $.50 per hour for the season. In order that the unions might know who were members of the association, a list was furnished each local and in addition each vessel carried a certificate of membership.

In 1902 the agreements with the lumber shovers were continued and in the following year agreements were made with the seamen, cooks, and firemen. These were the same as the agreements made between these unions and the Lake Carriers' Association. A classified wage scale was also granted to the masters and pilots.[49] In dealing with the unions of unlicensed men on the boats the Lumber Carriers' Association followed the lead of the Lake Carriers' Association from 1903 to 1907 inclusive. In fact the union conference with the former usually followed that with the latter and was merely an acceptance of its results.

In 1904 contracts were made with the American Association of Masters and Pilots and the Marine Engineers' Benevolent Association. The former then broke up during the same year and the latter discontinued making agreements with the Lumber Carriers' Association. In each case no change was made in the wage classification. In 1908 the Lumber Carriers' Association met the unions of unlicensed men as usual, after the declaration of open shop by the Lake Carriers' Association, but asked of them conditions which the unions were unwilling to grant so that no agreements were reached. No conferences have been held since but the Lumber Carriers' Association have continued to carry union men on their boats. They still follow the lead of the Lake Carriers' Association in the payment of wages. Other conditions are left to the discretion of the captain of the boat and are generally satisfactory to the men.

[49] *Marine Review*, Jan. 29, 1903, p. 23.

Agreements with the lumber shovers have continued without interruption since the Lumber Carriers' Association was formed in 1901. There have been practically no changes in the agreements except an occasional adjustment in wages. The lumber carrying business has been a declining industry for many years so that there is no need for an increasing number of men to handle the cargoes.

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The Household of a Tudor Nobleman

BY

PAUL V. B. JONES

Associate in History in the
University of Illinois

"God's gift was that man should conceive of truth
And yearn to gain it, catching at mistake,
As midway help till he reach fact indeed."

ROBERT BROWNING — *A Death in the Desert.*

"Capital truths are to be narrowly eyed; collateral lapses and circumstantial deliveries not to be too strictly sifted. And if the substantial subject be well forged out, we need not examine the sparks which irregularly fly from it."

SIR THOMAS BROWNE — *Christian Morals.*

To my Mother
in her seventy-third year
I inscribe this little work
with love and reverence

PREFACE

In this study I have sought to describe the organization and management of one of the most remarkable institutions of Tudor England; the noblemen's households indeed, were central institutions in the life of that age, from whatever aspect — social, intellectual, economic, or other — it be viewed. The materials used, chiefly household accounts and regulations, have been those available in print; the titles are relatively few, but the content of most of the items is exceedingly rich; could they be thoroughly exploited, in fact, a very complete picture of English manners and customs, during that most fascinating period, could be drawn from them, since the Stewards or other responsible Officers set down in their books every expenditure, whether it were a progress with its lavish, costly outlay, or the purchase of a pipe for the household Fool. These documents overlap the Tudor period chronologically, Lord John Howard's Accounts beginning in 1462, while those of Lord William Howard of Naworth end with the year 1640; so little fundamental change was there, though, during the interval, in the methods of household management — tradition and dearly loved precedent ever working for uniformity — that the construction of a composite from them has been, I believe, a safe venture.

I began this study as a graduate student, and therefore it is not possible to thank here all those to whom I am deeply indebted for advice and other help. Especially, however, am I bounden to Professors Earle W. Dow, of Michigan, and Edward P. Cheyney, of Pennsylvania, for scholarly direction and criticism. From their instruction, as good old Jamie Melville said of the teaching of his beloved Knox, "I took away sic things as I could comprehend;" had my limitations been fewer, this book were the better! Professor Cheyney allowed me to select this subject for study from his list of proposed monographs in the period he has so ably made his own, and he generously advised me during my investigations and writing. Also I am grateful to Professor Charles H. Cooley, of Michigan, who kindly read a first draft of parts of this work, suggesting many corrections and changes which were very useful to me. My sister, Mrs. Edwin P. Nutting, read the entire manuscript, improving it materially, and my wife has helped me through the tedious proof-reading and indexing, for

which assistance I am pleased here to thank them both. And finally I express now my sincere appreciation of the courteous, helpful service of the Librarians of the Universities of Pennsylvania and Michigan, of the Philosophical Society of Philadelphia, and of the New York Public Library, which I have so freely enjoyed — also of the careful coöperation of those of The Torch Press who have handled this book for me.

PAUL V. B. JONES

University of Illinois
January, 1918

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CHAPTER I

THE PERSONNEL OF THE HOUSEHOLD

So noble a man, so valiaunt lord and knyght,
Fulfilled with honor, as all the world doth ken;
At his commaundement which had both day and nyght
Knyghtes and Squyers, at euery season when
He calde vpon them, as meniall houshold men; . . .[1]

JOHN SKELTON.

"The English are serious like the Germans; lovers of show, liking to be followed wherever they go by whole troops of servants, who wear their master's arms in silver fastened to their left arms; . . ."[2] Thus wrote Paul Hentzner, a Brandenburg jurist, who was traveling in England in 1598. As a foreigner, he was much impressed by the ostentatious display of part of the household equipment of an English nobleman. How he would have been struck by the survey of a complete establishment in operation! Unfortunately, however, his lively observations on the manners of the English are brief indeed and we must draw our own picture of that remarkable institution.

The household of an English nobleman in the Tudor period was an exceedingly large and complicated organization. The term "household," as then used, included as well the master's family as his servants. This gave to the average menage a considerable membership, and made of the large households veritable communities of men.

A learned man who well knew the age of the great Queen, writing early in the 17th century, mentions an earl who "kept ordinarily in his house two hundred persons . . ."[3] Extant household books kept by different great noblemen of the time under consideration demonstrate the truth of this affirmation.

[1] Skelton, *Lament on the Doulourous Dethe of the Erle of Northumberland*, Dyce edition, 1.

[2] Paul Hentzner's *Travels in England*, London, 1797, 63.

[3] Brathwait, *Household of an Earle*, 11.

In 1469, two hundred and ninety-nine people made up the domestic establishment of George, Duke of Clarence.[4] This was above the average in size, while the much less pretentious household of John Howard, Duke of Norfolk, was almost as far below the mean. The latter nobleman paid wages to sixty-five servants in his employ on October 9, 1483, and while there were certainly a few other people in this establishment, it is impossible to say how many.[5]

At Michaelmas quarter (September 29th) in the third year of King Henry the 8th, (1512) one hundred and sixty-six men, women, and children, all told, were listed on the check-roll of Henry Algernon Percy, the 5th Earl of Northumberland [6] — most of these in office directly for the maintenance of his stately house. Sir Thomas Lovell, in 1542, paid wages to ninety-seven servants, while the Earl of Rutland, his son, remunerated ninety-one for services done in the 28th year of Henry the 8th;[7] but the real number in the latter's employ, possibly then, and certainly in 1539, was nearer one hundred and thirty-five.[8] About the middle of the 16th century, Richard Bertie and his Countess were hiring some eighty servants, besides gardeners, dairy-maids and laborers, which servitors, if duly enumerated, might easily make the number of people ordinarily living at Grimsthorpe House more than one hundred.[9]

There were over one hundred and fifty hirelings in service for Henry, Earl of Worcester, who lived from 1577-1646. His was an establishment similar to the dignified household maintained by the great Earls of Derby, Edward, and Henry, after him. In May of 1587 when house was "set up" at Lathom, one of the family manors in Lancashire, one hundred and eighteen people were living right with the Earl Henry in "daily attendance;" [10]

[4] *Royal Household Ordinances*, 105.

[5] *Howard Household Books*, 468-470. The doubt as to the exact number of servants in this establishment arises from the fact that, while there are numerous mentions of servants in these household books, they do not contain any official lists as do most of the other similar accounts.

[6] *Northumberland Household Book*, 1827 ed., 45.

[7] MSS. of Duke of Rutland, 4, 260-261.

[8] *Ibid.*, 284 sq.; *ibid.*, 296 sq.

[9] *Grimsthorpe House Papers*, 459-460.

[10] *Stanley Papers*, Part 2, 23-37.

while in 1590 his servants alone numbered one hundred and forty through additional help — footmen, laundresses and others, which were required in several of the departments.[11]

Lord William Howard of Naworth Castle in Cumberland, never, at least from 1612 until his death in 1640, regularly employed so many as eighty servants. In 1633 the names of seventy-eight were on his pay roll,[12] but the number varies between 1612-1640 inclusive, from forty-five in the former year,[13] to seventy-eight in 1633.[14] This lesser state was probably due to Howard's taste and needs, or to his status among the nobility, rather than to any great change in the domestic arrangements of this entire class of English society. We have already noted the comparatively small establishment of John Howard, Duke of Norfolk, of a much earlier date, as well as the great household of Lord William Howard's contemporary, Henry Earl of Worcester.[15]

Every household, as observed, consisted of two groups of people. Comprising the first were the noble lord and his own family, often enough with various kin, close relatives, who also lived and had their being beneath his roof. The second group was a large body of household servants of various standings and degrees, from the three or four great officials always at the head of the group, together usually with young noblemen, some of them wards, trying their prentice hand at the life, later perhaps to be their own, and the several ecclesiastics always in a household, down through the ranks of yeomen and grooms, chamber and dairy maids to the bands of youngsters set to work in the kitchen or the brew house, where their little abilities were useful.

The distinction, however, between family and servants, was in some households made somewhat obscure, at least so far as the higher servitors were concerned, by the frequent practice of filling the more important offices with members of the family.

The princely estate of the great 5th Earl of Northumberland,

[11] *Ibid.*, 84-88.

[12] *Household Books of Lord William Howard of Naworth Castle*, 501.

[13] *Ibid.*, 490-491.

[14] *Ibid.*, 500-501.

[15] An average household had a membership of about one hundred and thirty souls, if we may found an average on these eleven representative houses flourishing at different times in the Tudor period.

already mentioned, well famed in its day for its majesty, was one of the largest and most elaborate of all the households of which detailed record remains. In the year 1512 there were "daily abiding in the Earl's house," maintained and maintaining, the following interesting people: Of the family, the earl, with his wife, the Lady Catherine; their three sons — Henry, Lord Percy, the heir and subsequently 6th Earl of Northumberland; the second son, Thomas, and the third, Ingelram, Percy, both, of course to become knights. There was at this time only one daughter in the family — the little Lady Margaret. All these children were youngsters, if we may judge from the well equipped nursery. In addition, the earl's brothers are mentioned as included, at least at times, in the household. Of these there were three — Sir William, knight; Allan, clerk, and Joseline Percy. Of domestics, whose chief if not only duty was attendance upon these of the family, there were several — a yeoman and a groom for my young lord and his brothers; two "rockers" and a child to attend in the nursery; three gentlewomen and two chamberers for Lady Catherine, and three servants for each of the earl's brothers.[16]

At the head of the household were four chief officers the Chamberlain, Steward, Treasurer, and Comptroller. Not to define here the positions of these men, it will suffice to say that in concert or singly they were in charge of the other servants and much of the household management. Each of these officers had certain men and boys detailed especially to serve him; thus the Chamberlain's group, with that dignitary himself, counted seven, including his chaplain, clerk, two yeomen, "a child of his chamber," and his horsekeeper. The Steward had likewise his clerk, child and horsekeeper; the Treasurer, a clerk and horsekeeper, and the Comptroller "charged" was also allowed but the two, viz., a clerk and a horsekeeper.

[16] This entry is a bit obscure; it reads: "My Lordes Brether every of theym with theire Servaunts iiij as to say if thei be Preists his Chapelyn his Childe and his Horskepar And if he be other ways his Clerk his Childe of his Chambre and his Harskepar." — *Northumberland Household Book*, ed. 1827, 43. Is the meaning, that the service differed according to the character of the first servant, or, as seems more likely, if one of the brothers should be a priest, then his attendants were chosen accordingly? According to Bishop Percy, the Allan Percy mentioned above was Warden of Trinity College at Arundel in Sussex. *Op. cit.*, xxiv.

Next in rank were the Dean of the Chapel, and his servant; the Surveyor[17] and his; two members of my lord's council,[18] each of whom had his servant, and the Secretary, who was also allowed his man. There were six Chaplains: an Almoner who had a servant if he was a "maker of interludes," the servant to write the parts; if the Almoner were not the happy possessor of that joyous forte then he stood alone; a Master of Grammar, a riding Chaplain for the Earl Percy, a Sub-dean, a "Gospeller," that is, a priest who read the Gospel, and a Lady Mass Priest.

Two Gentlemen Ushers were allowed a servant, while especially for the noble Earl Percy, were two Carvers, two Sewers (servers of food), and two Cup-bearers, each pair of which had its man, unless these young men were in the household "at their friends finding," or support, under which condition each was to have his own servant — an interesting note which gives us a bit of the procedure connected with the very prevalent practice of placing young noblemen or gentlemen's sons in great houses for a part of their early training. For the "board's end"[19] were two Gentlemen Waiters with their one servant. Of henchmen, and "young gentlemen" at their friend's finding,[20] there were five — three of the former and two of the latter. There was one "Officer of Arms" who might be either a Herald, or a herald's attendant — a Pursuivant,[21] and two Yeomen Ushers of the Chamber.

The Chapel service was highly estimated, for no fewer than fifteen people were required to conduct it. Nine of these were men styled "Gentlemen of the Chapel," being the Choir Master, two tenors, four "counter-tenors," the "Pistoler," that is, one whose duty was the reading of the Epistle, and "one for the organs;" the other six were children — trebles and means.

Two men marshalled the Hall and had the customary servant

[17] An officer whose duties had to do with the estates of Earl Percy.

[18] A body of men whose advice and assistance were required in running the household, attending to petitioners, etc.

[19] That is, the end of the dining-table in the Great Chamber, where the earl and his family sat at meals.

[20] I do not think that there is any confusion between these young men "at their friends finding" and the carvers, cup-bearers, etc., spoken of above. These latter might, or might not, be supported in the household by their friends.

[21] *Northumberland Household Book*, 35.

between them. There were also a Yeoman Usher of the Hall, six Yeomen of the Chamber, and five Yeomen Waiters, while the so-called "yeoman officers" of the household were eleven; one of the Robes, one of the Horse, one of the Vestry, one of the "Ewery" — the place where the ewers, or hand basins and certain other utensils were kept, a yeoman officer of the pantry, one of the cellar, one of the buttery, a yeoman cook "for the mouth," one each for the bake and brew house, and a yeoman porter.

There were twenty grooms and groom officers. Five were called Grooms of the Chamber, of which three were delegated "to ride with my Lord," while of the other two it was decreed that one was "to bide at home," while his companion was especially for the service of Lady Catherine. Three were Grooms of the Wardrobe who devoted their time respectively to the "robes," the beds, and to the gowns of Lady Percy. Further, there was a groom for each of the following posts: the ewery, pantry, cellar, and the buttery; two for the kitchen, of which one was "for the mouth," and the other for the larder, and finally — there were a Groom of the Hall, a Groom Porter, a Groom of the Stirrup, a Groom of the Palfreys, a Groom Sumpterman, a Groom of the "Chariot."

Ten youngsters besides the Children of the Chapel, were enrolled for duty, one in each of these places — the Wardrobe, Kitchen, Scullery, Stable, "Chariot," Bakehouse, "Butchery," Catory, Armory, and finally — one to assist the Arras-mender.[22]

A small corps of minstrels were regularly paid to render their pleasing services, the members of which were performers upon the tabour, the lute, and the rebeck — a sort of three string fiddle;[23] while a seemingly miscellaneous group included the Footman, two Falconers, a Painter, Joiner, Huntsman, and the Under Almoner of the Hall, whose specified duty was to serve the Grooms of the Chamber with wood; but of all functions, more later.

The little army of ten clerks must have kept the whole establishment duly footed up and balanced! They were sub-divided among the following departments — Kitchen, Signet,[24] Foreign

[22] As his title implies, a man to keep the arras or wall-hangings in repair.

[23] *Northumberland Household Book*, 415.

[24] Pertaining to all work like letter-writing, which had to receive the earl's seal. *Vide ibid.*, 328.

Expenses,[25] Brevements,[26] the Clerk "Avenar,"[27] "Works,"[28] Clerk of the "Wearing Book,"[29] and one, an assistant "to write under the clerks of the Foreign Expenses." The solitary miller brings up the rear!

Turning now to a somewhat later period, we note substantially the same impressive personnel assembled for the proper maintenance of his Grace Henry, the Earl of Derby. All, of the one hundred and eighteen people, who, in May of 1587, were enrolled in this nobleman's household, belonged, with the exception of five, to the serving group. Those five were the Earl Henry's brother, Sir Edward Stanley, and four servants in his employ.

At the head of the establishment stood the customary high officials — Mr. Steward, Mr. Comptroller, and Mr. Receiver-General,[30] each having three servants of his own. The earl had also an Auditor and a private Secretary, though these places are not mentioned in his check-roll.[31] Of Gentlemen Waiters, there were eight, including Mr. Bushey, the earl's page. Two Clerks of the kitchen, Wm. Aspinowle and Mychell Doughtie conducted the important office in their charge. There was but one Chaplain, Sir Gilbert Towneley — a remarkable change wrought by the Reformation, from the kind of religious administration maintained in the Northumberland household.

The nineteen yeomen officers, six of whom were alternatives, had duties in the following stations: the Chamber, where were two Yeomen Ushers: the cellar, in which either Richard Makin, or Jhon Lawton served: the Hall, choice lying between the services of ffransis (*sic*) Hamlet or Edward Parker: Porters, either Anthony Wells or Edward Spenser: Butlers, either Edward Ellis or Jhon Mordant: the pantries, where either William Doddile or Thomas Wilson might be stationed: the ewery where was to be found either William Marson, or Jhon Barber: the "wardrobe of beds," regularly requiring the time of three men, the

[25] Probably expenses incurred outside of the household expenses, strictly considered. *Vide ibid.*, 398-400.

[26] Brevements were accounts of food, etc., dispensed.

[27] A clerk in charge of oats and other horse feed.

[28] Improvements, repairs, etc.

[29] A book in which account of linen, etc., in use was kept

[30] *I.e.*, of rents, fees, etc.

[31] *Stanley Papers*, Part 2, 31, 35, etc., and Introduction of the same, vi and note.

two Parkers, Henry, junior and senior, and Edward Mason: while lastly, two of these yeomen officers — Richard and William Mollynewx, were arras men.

Six men, Richard Borrowes, Edward Halsall, William Edling, Gilbert Holme, Edward Smythe, and Edward Stockeley, exercised the office of Grooms of the Chamber to the Earl Henry, while two more, Thomas Plombe and Thomas ffletcher (*sic*) were paid as sub-grooms. The twelve Yeomen Waiters, Petter Wroe, Thomas ffoster, Robert Doughtie, Thomas Hayworth, Geordge Hayworth, Cvttberde Gerrarde, Richard Lockevell, Robert Smythe, Petter Hille, Thomas Simcock, Richard Travers, and Jhon Siddall, had their ranks further recruited in hunting season by one, Thomas Bickerstath.

Edward Derby, the immediate predecessor of the Earl Henry, maintained a company of minstrels in his household,[32] but at this time the only musicians were the two trumpeters, Jhon King and Geordge Campion.

The great kitchen service required the labor of eleven men, including an alternative, and two of the number, Jhon Blackeladge and Henry Taillior were appointed especially for work in the scullery. One William Gawen held the very careful post of Caterer, while there were two slaughtermen, two bakers, two brewers, a malt-maker, a candle-man, three footmen, two Almoners, two carpenters, a gardener, a "roughcaster" or plasterer, two "hop-men," and two laundresses — Margaret Scaresbrike and Ellen Gaskell, who appear to have been the only female servants in the entire establishment.

There were thirteen men in the barn-yard brigade — William Wainewright, Yeoman of the Horses, Gilbert Parstcote, coachman, Ewan Wainewright, Hugh Bury, "yeoman of my Lord's stoeroppes," Jhon Pollet, Jhon Vergus, yeoman of the "waineryes," Hugh Leylonde, Jhon Mollyneux, Ewan Simcote, Hugh Cropper, Henry Standishe, Henry Otie, and George Mosscroppe. With this humble crew, and listed in the most lowly place in the whole roll, was one who probably little cared "Henry ye ffoolle."[33]

The only important difference between a small household, like that of John Howard, Duke of Norfolk, and the very large estab-

[32] Whittaker's *Hist. of Craven*, 233. Cited by Ed. Raines in his introduction to the *Stanley Papers*, Part 2, vi.

[33] *Stanley Papers*, Part 2, 23-27.

lishments, like the two whose memberships have just been given, lay largely in the number of servants employed, rather than in the general character and purpose of the help.

There were few members in the family of Lord John Howard of Stoke in Suffolk, in 1481; in fact, besides the lord and his lady were only their young daughter and her youthful husband, Lady and Lord Berners. Nor did Howard, as we have noted earlier employ the small army of household servants so many of the nobility hired. While it is quite impossible to tell completely what were the official positions of his servitors, withal, the list of known vocations in his household was very much like those of the larger houses.

Lord John had his Steward, a man named Bliant [34] who faithfully attended to the manifold duties of his weighty office during 1482 and 1483, being made Comptroller sometime late in the latter year,[35] when another Steward was at once appointed.[36] In 1483 the Receiver was one Ovy,[37] while the Auditor was John Knight; [38] that same office was filled for the two previous years, however, by a man with the euphonious appellation of Watkyn Fulbone.[39] Wodde, or Wood was the Treasurer,[40] while a Secretary, an official unmentioned before the elevation of the Lord John to his dukedom is in service subsequently.[41] A priest, Sir William Davys, commonly addressed as "Sir William," was given wages regularly; his employment was varied, however, and he was certainly not the sole administrator to the spiritual needs of the Howard household. Another priest, Sir Pers or Perys Aleghe, of the parish of "Polsted," received 8.s for his first Mass before Howard and his Lady, and Lord and Lady Berners, which he sang on Sunday the 26th day of May, in the 22nd year of Edward the 4th.[42] So much for the principal officials as they were usually ranked.

Among the lesser servitors, the Caterer was for some time a

[34] *Howard Household Books* (Collier), 74.
[35] *Ibid.*, 439.
[36] *Ibid.*, 439, 441, 442, etc.
[37] *Ibid.*, 453.
[38] *Ibid.*, 480.
[39] *Ibid.*, 117, 346.
[40] *Ibid.*, 97.
[41] *Howard Household Books* (Collier), 441, 465, etc.
[42] *Ibid.*, 208.

Richard Wolman,[43] but that office was later filled by a man called Holt. In this household furthermore were all those servants, usually officially called yeomen and grooms, though here we are able to distinguish them only in terms of their places. Thus constantly mentioned were Lawrence of the Hall,[44] Nicholas Wardrobe,[45] Nicholas of Buttery,[46] Oliver the Butler,[47] Robin of Stable,[48] Richard of Stable,[49] Webbe of Stable,[50] Will of Bakehouse,[51] Andrew of Chamber,[52] Maud of the Kitchen,[53] Jak of Kitchen,[54] Hary of Cellar,[55] Edmond of Ewery,[56], the Footman,[57] etc.

There was a Clerk of the Kitchen,[58] whose brother, with the apt cognomen of "Gauge," may have been his assistant. A brewer, a baker, and a cook were of course hired.[59] The cook was assisted by "Jak" above noted, who may have been one of the children of the kitchen. We may complete this general group, by including in it two men whose presence about the place at Stoke must have been welcome then, and whose names delight us yet to-day, though they afford us but a mute and pathetic vision of once bright souls. Surely the hours were not all leaden, where "Nicholas the singer" and "Thomas the Harper" lived![60]

Unfortunately Stoke was by no means exempt from the annoying ravages of rats and moles, and two professional exterminators of these two varieties of vermin — a "rat man"[61] and

[43] *Ibid.*, 216.
[44] *Ibid.*, 56, 94, etc.
[45] *Ibid.*, 52, 59, etc.
[46] *Ibid.*, 124.
[47] *Ibid.*, 97.
[48] *Ibid.*, 58, 90, 96, etc.
[49] *Ibid.*, 390.
[50] *Ibid.*, 52.
[51] *Ibid.*, 125.
[52] *Ibid.*, 361.
[53] *Ibid.*, 114, 169, etc.
[54] *Ibid.*, 102.
[55] *Ibid.*, 470.
[56] *Ibid.*, 470.
[57] *Ibid.*, 440.
[58] *Howard Household Books* (Collier), 135.
[59] *Ibid.*, 213.
[60] *Ibid.*, 48, 124, 163, 203, 284, etc.
[61] *Ibid.*, 51.

a "mole killer,"[62] drew wages occasionally in their official capacities. Howard also employed a "bird taker"[63] whom it is perhaps unfair to associate thus with the pest fighters. This may have been the fellow called another time the "partreche taker,"[64] or still again, "the faconer."[65]

Lord John Howard followed the prevalent custom of busying various groups of children about the house in one capacity or another, and he also paid for the services of a few female hands. Thus at Stoke there were youngsters regularly in the kitchen, buttery and stable, while another little band of five sang in choir at the Chapel Service.[66] These young folk were known habitually, like their older prototypes, in the terms of their service — as "the Children of the keching,"[67] or, individually, "Campbell, lad of the Kechyn,"[68] "Colte, child of the Batery,"[69] "Little Richard of the Chapel,"[70] or "Edward of the Chapel."[71] This same indiscriminate merging of name in office also occurred with the women servants; thus there was "Anes chamberer,"[72] "Katherine of Chamber,"[73] also another Katherine, or better, "Cateryne the washer."[74] All these, and a maid of the dairy were regularly hired.

We have not yet, however, taken note of all the people who lived out their days in Lord Howard's little orbit. Particularly were there four others in his household of whom we would so gladly learn more. The first of these was a young man called Diago,[75] perhaps a foreigner to whom Howard grew attached, when he was on the continent, at Calais or elsewhere. What Diago did to earn his salt, we are unable to say, but money was from time to time given him in pittances, and he was kindly

[62] *Ibid.*, 359.
[63] *Ibid.*, 425.
[64] *Ibid.*, 442.
[65] *Ibid.*, 464.
[66] *Ibid.*, 213.
[67] *Howard Household Books* (Collier), 151.
[68] *Ibid.*, 117.
[69] *Ibid.*, 465.
[70] *Ibid.*, 344.
[71] *Ibid.*, 324.
[72] *Ibid.*, 51, 99, etc.
[73] *Ibid.*, 319.
[74] *Ibid.*, 51; also 211, 301, etc., for dairy maid.
[75] *Ibid.*, 108.

taken care of at Howard's expense once when he was ill.[76] The second lad, known as "Tousan" — was a page probably, for he seems to have been a favorite, and often with Lord John, who supplied his wardrobe; now it was a new boublet of white and blue,[77] or a pair of hose,[78] a bonnet,[79] gown,[80] or perchance a pair of shoes.[81] The other two were "fools," and in this respect Howard seems to have surpassed the rest of the nobility. The one, "Tom Fole," as he was called, was for the entertainment of the house proper, while his companion in nonsense had the kitchen for his sphere of activity.[82]

Though an establishment employing many less servants than the immense households, Lord Howard's menage did have about the same departments as their's. Having surveyed in detail the composition of these three characteristic noble houses, we can say further, that neither the household of Richard Bertie [83] and his Countess, nor that of the Earl of Worcester present any remarkable variations from those we have examined here, and while there were some curious special servants hired both by Sir Thomas Lovell and his son, the Earl of Rutland, there were few duties assigned to them which could not have been equally well handled by some of the numerous yeomen officers, yeomen, or grooms of the other establishments.

Finally, custom in regard to the servants suitable for a nobleman's equipment had crystallized by the beginning of the 17th century. The earlier practices had become stereotyped and slight indeed are the changes which have crept in. At that time a model establishment, according to an observant man, the poet and littérateur, Richard Brathwait,[84] must have included the following offices: Of chief officials, three were indispensable,

[76] *Ibid.*, 124.
[77] *Ibid.*, 356.
[78] *Ibid.*, 161.
[79] *Ibid.*, 134.
[80] *Ibid.*, 99.
[81] *Ibid.*, 56.
[82] *Howard Household Books* (Collier), 228, 284, 324, etc.
[83] See Appendix A for summaries of the households of the Berties and the Earl of Worcester, and the full lists of all the servants in the establishments of Lovell and his son.
[84] R. Brathwait, *Household of an Earle*, 3-4. "What officers and Servants the state of an Earle requireth to have," etc.

these being the Steward, Treasurer, and Comptroller; while the services of an Auditor and a Receiver could be used, yet, as Brathwait tersely expresses it ". . . theese are extraordinary, and two of the cheefe Officers (being men of experience) may supply those places; the one in taking accompt, the other in receiving rents and profitts, and there by free the Earl from fees that belong to those Officers." Thrifty leeway also made it optional whether there were a "Clarke Comptroller" or not, that official being likewise the holder of a sinecure "if the cheefe Officers be painefull in their places."

Aside from two Gentlemen Ushers and a Preacher or "Chaplaine in ordinary," the well-compacted list succinctly tallies off the following picturesque train[85] — "A gentelman of the Horse, A Secretarye, tenn gentelmen waiters, two gentlemen pages, a Clarke of the Kitchin, an Yeoman Usher, and Groome of the great Chamber, Two Yeomen of the Warderobe of apparell for the Earle and Ladye: Two Groomes for their bedchamber, one Yeoman and Groome for the Wardrobe of Bedds. An Yeoman Vsher, and Groome for the Hall. An Yeoman and Groome for the Sellor, An Yeoman and Groome for the Pantry, An Yeoman and Groome for the Buttery. An Yeoman for the Ewerye. An Yeoman of the Horse. An Yeoman rider. Five Musitions. Six Yeomen waiters. Two Footemen. An Yeoman Purveyor. A Master Cooke, Under Cookes and Pastry men three. An Yeoman and Groome in the Squillerye. One to be in the Larder and Slaughter house. An Achator. Conducts and Kitchin boyes three. Two in the woodeyarde. In the Bakehouse, Brewhouse, and Granorye, five. A Trumpeter. A Drumme. An Yeoman and Groome in the Armorye. An Yeoman and Groome for the garden. A coatcheman, A waggoner, Six Groomes for the Stable, A groome for the Lawndry, Two Yeomen Porters. Gentlewomen, Chambermaydes, and Lawnederers, the number to be set downe by the Earle and his Ladye."

In conclusion, the explanation for this similarity in the composition of these households is in part not hard to discover. The nobles lived under very much the same conditions all over England, and their management problems were alike. Again, in

[85] See Appendix B for another like list dating from the same time, which, however, is not so orderly as this one.

the household as elsewhere, dearly loved tradition and long set precedent tended to level irregularities and found a uniform practice. Thus Henry, Earl of Derby, wanted his beer brewed, his cattle slaughtered and the meat cut up, and his bread made, all, as these operations had been done in the time of the late earl, his father.[86] And, finally, the royal household, which was the exact counterpart of the great noble establishments, first, because it, with them, evolved amid identical surroundings, certainly was later used by the nobles as the great standard by which to determine the details of their own managements. We do not have to be guided here entirely, by the perhaps safe analogy of such a practice in similar society to-day. Richard Brathwait in setting forth his rules and orders declares in regard to the functions of Gentlemen Ushers "But (for the order of service which the Earle may have wher he pleaseth to keepe his estate) I will referr them to marke and see how the table in the presence chamber of the Kinges Majestie is served and ordered; and the better to furnish themselves with knowledge, they are to make meanes that they may be in the presence chamber, not onely at ordinarye times, but also when the Kings Majestie feasteth and entertaineth great strangers and Embassadors." [87]

Earlier than this also, in the days of Henry the 8th, it was plainly recognized that noblemen should pattern their establishments after the royal household; in the 22nd year of the reign of that monarch, some special regulations were drawn up entitled "Articles devised by his royal highness, with the advice of his council, for the establishment of good order and reformation of sundry errors and misuses in his houshold and chambers." The 31st chapter of these reads as follows: "No officer to be admitted in future, but such as be of good demeanor, and respect to be had that they be personages of good fashion, gesture, countenance, and stature, so as the king's house, *which is requisite to be the mirrour of others*, may be furnished with such as are elect, tried, and picked, for the King's honour." [88]

[86] *Stanley Papers*, Part 2, 8-10, 12, and 20-22.
[87] Brathwait, 10-11.
[88] *Archaeologia*, III, 154 *et seq.*

CHAPTER II

THE FAMILY AND THE SERVANTS

O good old man, how well in thee appears
The constant service of the antique world,
When service swet for duty, not for meed!
Thou art not for the fashion of these times,
When none will sweat but for promotion;
And having that, do choke their service up
Even with the having: 'tis not so with thee.

As You Like It, Act. II, Sc. 3.

Whatever may have been the size or the intricate composition of the serving body belonging to a nobleman, every member listed in such a teeming dramatis personae was scheduled, actually to perform some rôle, exalted or humble, on the domestic stage. The jingling pomp and haughty flourish which large numbers of servants made possible, was, in the estimation of most of the nobility, but the richly cherished by-product of a great organization whose foremost function was service.

It is a trite remark perhaps, that the proper construction and successful control of one of those complicated machines was of the weightiest import, and very difficult of accomplishment, eighty or even two hundred human beings, assembled from all over in one household, many of them men, by nature upright and reliable, but also many, actuated by uncertain humor, and fitful caprice, full of sly deceit, prone at any moment to seek profit for themselves at their master's expense, though their double dealing threw all out of harmony — to institute and maintain proper control here — was indeed a hydra-headed servant problem of the first magnitude! So grave was it, in fact, that frequently thoughtful fathers when about to transfer to younger shoulders the management of a rich patrimony, anxiously presented therewith, careful admonitions regarding servitors, founded on personal experiences of their own which often had been exceedingly bitter.

James, 7th Earl of Derby (born 1606) was such a solicitous parent. Twice, at least, in long letters, veritable "epistles" to his son and heir, Charles, Lord Strange, he narrated at length for the young man's benefit, important chapters in his life history, and in one of those communications, particularly, earnestly counseled him with much practical advice. He doubtless hoped to make his instructions regarding servants emphatic by concluding them in this wise: "Most of these misfortunes I have met with in servants, which hath given me great vexation; therefore, I hope by my experience you will avoid them as much as possible. I might have enlarged upon many of the passages and observations here recited, in which I have been sufficiently exercised to give you examples both of pride and corruption in those employed about you; but I am loath to dwell too long on one subject, not knowing how long a time I must dwell here myself,[1] . . ." etc.

The 9th Earl of Northumberland, while imprisoned in the Tower because he was implicated in the Gun Powder Plot, wiled away some of the tedium of his long incarceration, likewise by writing out for his son a detailed account of how his estates were to be run, and no small part of this description bears upon the choice and control of servants. The earl's narrative is characterized by a cynical vehemence, partly because of his unhappy life, but also because, as he declares, his own father, foolishly indulgent, neglected to instruct him how to assume and carry the heavy responsibilities which his vast estates engendered. Inheriting these at the immature age of twenty-one, in the callow simplicity of youth wily servants so neatly led him about by the nose, that before he was aware, in the short compass of a year and a half, he found himself £15,000 in debt on an annual income of £3,000,[2] and this was but a portion of his early difficulties as presently will be narrated.

[1] Second Letter to his son, 47. *Stanley Papers*, Part 3, 3. It is interesting to note that these admonitions to his son are copied by the earl almost literally from the famous "Precepts" which Lord Burghley set down for the use of his son, Robert Cecil. There are some slight additions and some changes in wording, otherwise the hard-headed sense of the careful old statesman is reproduced verbatim. This is a most remarkable example of the great influence of Burghley's little work which went through six editions between 1617 and 1780.

[2] Instructions of Henry Percy to His Son, *Archaeologia*, XXVII, 306-358.

The import of this problem it was, further, which induced observant men like Richard Brathwait,[3] or the unsigned author of the "Breviate,"[4] when they wrote their treatises on household management, to be very straightforward in stating their opinions and laying down their precepts about servants. It is in this light, therefore, that the characters of servants, especially of the officers — the manner of their hiring — and the bonds which existed between them and their noble masters must be studied.

The chief officers in every household had to be men of versatile abilities, and they were often of knightly, if not of noble rank. Brathwait affirms that he has ". . . knowne, not onely gentlemen of great livinges, but also many Knightes, yea Barons Sonnes, and some Earles Sonnes, to serve Earles in places of office,"[5] and he neatly characterizes these principal household men as those who should be ". . . not only well borne and of good livinges, but also grave and experienced, not prowde and haughty, neither too affable and easy; gentle and courteous in matters concerning themselves, but severe and sharpe, if offences be committed against God, or their Lorde. . ."[6] He was surely right in his estimate even if his last requisite does smell somewhat strongly of the new religious leven of his day.

The poet, John Skelton, living much earlier than Brathwait thus sketched in outline the servitors of the unfortunate 4th Earl of Northumberland:

> So noble a man, so valiaunt lord and knyght,
> Fulfilled with honor, as all the world doth ken;
> At his commaundement, which had both day and nyght
> Knyghtes and squyers, at euery season when
> He calde upon them, as meniall houshold men;[7]

So spake two men who lived at either terminus of this long epoch. In the interval flourished noblemen who were similarly served. The three chief officials in the household of Henry,

[3] Some Rules and Orders for the Government of the House of an Earle, Set Downe by Ri[chard] Brathwait. In *Miscellanea Antiqua Anglicana*, 8th Tract.

[4] A Breviate touching the Order and Government of a Nobleman's House, 1605. *Archaeologia*, XIII, 315-389.

[5] Brathwait, *op. cit.*, 15.

[6] *Ibid.*, 6.

[7] *Lament on the Doulourous Dethe*, etc., Dyce ed., vol. 1.

Earl of Derby, were men of knightly rank, and were all related directly or by marriage with the great Stanley family.[8] The Steward, Wm. ffarington (*sic*) was a gentleman of dignity and importance, who faithfully served under three generations of the earl's family, and conducted successfully meantime, various important work for the crown, outside, quite, of his official capacity in the Derby household. He had some Oxford training; was admitted a member of the Inner Temple in August of 1555, "and throughout his life was an active and influential magistrate." Through his marriage with Anne, the only daughter of Sir Thomas Talbot of Bashall, he got, into the bargain, a broad estate of his own, a nearer relationship with the Stanley family, and acquaintance with other families of rank. Under the Earls of Derby, he was first Secretary, then Comptroller to Edward, and when that nobleman died in 1572, he became Steward to Henry, the new earl, and upon the latter's death in 1593, the Earl Ferdinando made ffarington his Receiver-General.

Sir Richard Sherburne, who was Treasurer of the household in 1572, at the death of Edward Earl of Derby, was also, through his mother, kin of the Stanleys, while in 1572 his eldest son married the grand-daughter of the Earl Henry, whose Steward Sherburne had been since the death of Earl Edward in that year. Sir Richard had been twice earlier returned to Parliament — once, in 1555 for Liverpool, and again in 1554 and 1557 for Preston. He too, like ffarington, his colleague in office, was at different times selected by the Crown for the performance of royal duty. Thus under Philip and Mary "he was High Steward and Master Forester of the Forest of Bowland, in Yorkshire." Under King Henry the 8th he had been a commissioner for the dissolution of the monasteries, and he acted in a similar capacity for Edward 6th for the sale of chantry lands. In 1581 he was chosen with Henry Earl of Derby and others, by no less men than Burghley and Walsingham, to arbitrate with the tenants a property quarrel in the Collegiate Church of Manchester. He was also a Deputy Lieutenant of Lancashire, and was made Governor of the Isle of Man by Edward, his first patron among the Earls of Derby.[9]

[8] *Stanley Papers*, Part 2, Introduction, xviii-xcviii for all these facts.
[9] *Stanley Papers*, Part 2, notes, 104-105.

Another of the servants, Michael Doughtie, Clerk of the Kitchin, was a wealthy man, a member of Parliament for Preston in 1588, and for Liverpool in 1592. His descendants became yet more closely related to the Stanleys through the marriage of his great-grand-daughter with Sir Thomas Stanley. She thus became the mother of Edward, 11th Earl of Derby.[10]

In addition, mention might also be made of the honorable careers of Alexander Rigbie, also a high servitor in Earl Henry's establishment, a Deputy-Lieutenant and Justice of the Peace for Lancashire — and of Wm. Foxe, or ffoxe, who was one of this same noble's council men, and also Comptroller of his household.[11]

When the 5th Earl of Northumberland and his lady retired each year to their "sceret house" — a less ostentatious housekeeping with fewer servants, conducted in some lodge near the big mansion or castle,[12] among those who were in daily attendance at the earl's board, were his second and third sons, acting respectively as Carver and Sewer.[13] The Clerk of the Kitchen in this same household was in 1512, a Thomas Percy. This servant was probably one of the earl's relatives, as was the Robert Percy, Comptroller of the House in 1514.[14]

This officing of certain members of the family was a common practice among the English nobility, and no taint or indignity was associated with such service either. Brathwait tells of an earl whose brother filled for him the office of Carver and Sewer, and according to him, the menial duties of the humble one's station did not stunt the healthy waxing of his social life a jot, for he grow in Brathwait's own day to "an honourable Knight

[10] *Ibid.*, notes, 106-107.

[11] *Ibid.*, notes, 107, 109-111.

[12] *Northumberland Household Book*, 1827 ed., 442.

[13] *Ibid.*, 362.

[14] *Ibid.*, 1. Henry, Earl of Worcester's Steward, was a Sir Ralph Blackstone. *Report on the MSS. of the Duke of Beaufort*, etc. Hist. MSS. Com., 12th report, 3-6, being an old servant's account of the earl's officers. Thomas Widmerpoole, Steward in the household of Lord William Howard of Naworth, appears to have been a learned man. He captions his orderly accounts in Latin, etc. *Howard Household Books*, Surtees Soc., 1, *e.g.* We recall also the ungrateful Gonril's letter-writing, information-bearing Steward, Oswald, whom Kent so roundly abused.

of great accounte, having done many good services to his Country."[15]

Significantly enough, however, later report from the households of Northumberland and the Earls of Derby, both, prove this custom to have been not unfraught with humiliation and distressing risks. There were relatives among the household group who took such mean advantage of the youthful inexperience of the 9th Earl of Northumberland by robbing him. Telling his son of the fact long afterwards, that nobleman drew a melancholy picture of the base ingratitude of his servants — "If these had bene yong servants, and new commers, the wonder had bene the lesse; but they were cousens, old servants, councellers and sutche, as somme of them had told 15 years, some 20 in his service."[16]

The 7th Earl of Derby, likewise had grown cautious about employing kinsmen in his household service — "I am loth to have many of a House too neare a-Kin. For by that Meanes you will sometimes suffer one too much, for another's Sake."[17] Later, he strengthened this warning to his son — ". . . be not served with kinsmen and friends, for they expect much and do little. . ."[18]

The distinction attaching to these higher officers in a household was formally recognized in various interesting ways. They had their own little bands of servants, attendant on their personal wants. This added a dignity to such offices. Again, on so well ordered an occasion as was the daily dinner the precedence of these men over the rest of the household was proclaimed through their presence at the first table in the Hall.[19] Furthermore, in Northumberland's household at least, the Chamberlain and Steward often found their "mess" graced with some dainty tid-bit which they alone shared with the earl himself. This was especially apt to be the case if strangers were supping at their board: "Item it is thought goode that Hennys be bought from Cristynmas to Shroftyde so they be good and at ij d. a pece and my Lord(,) Maister Chambreleyn and the Stewardes Mees to be

[15] Brathwait, 16.

[16] Advice to his son, *Archaeologia*, xxvii, 322.

[17] 7th Earl of Derby, Advice to his son, *Stanley Papers*, Pt. 3, 3, 36.

[18] *Ibid.*, 44.

[19] *MSS. of the Duke of Beaufort*, 5; Brathwait, 16, 17, *e.g.*

served with theym and noo other."[20] Also their regular food portions as well as their special diets for Lent, Rogation Days, and other fasts and feasts, were described with the messes of Northumberland's brother — and were, in fact, identical with his and are somewhat more elaborate, or better, less plain than those of their underlings. Thus the Lenten breakfasts of these gentlemen, consisting of two loaves of bread, a manchet (another sort of bread), a gallon of beer, two salt-fish and four white herring, while frugal enough, were not quite such wintry cheer as the mere bread, beer, and salt-fish set out for the breakfasts of the yeomen officers of the household.[21]

Men of high calibre were selected for these principal positions, because only educated, conscientious and thoroughly honest officials could successfully execute their duties. In addition to the peculiar functions of the head officers which were often of great trust, these men were responsible for the whole household. In 1587 Henry Derby ordered, "It'm that my Lo. his Steward or Comptroll' or th' one of them Shalbee daylie attendante or at the leaste from the ffridaye at night till the Moundaye, for the bett' gou'ment of his Lo. house and the p'fect vewe of eu'ie inferior officers breyvement."[22] Brathwait goes much further in his description of this superintendency — the officers ". . . must dayly goe into everie office of household to see that every officer doe his duty, according to their severall chardges. . . . They must in every of these offices oversee that all things appertaining unto them be kept in orderly and decent manner, that all wastefull expences in every of them may be avoyded."[23]

This daily tour of inspection was to carry them from the pastures where they were unawares to appear ". . . at times unknowne both to the Purveyors and pasture keepers, by which meanes those growndes will be better saved from being overeaten by other mens cattel,"[24] through every office in the house to the Porter's Lodge ". . . to see it be not the place for the receipte of the vnthriftes of the house, nor the harbour of drinking companions."[25] To the intent that this work might be

[20] *Northumberland Household Book*, 103.
[21] *Ibid.*, 74, 76, 78, 82, 97.
[22] *Stanley Papers*, Pt. 2, 21-22.
[23] Brathwait, 8-9.
[24] *Ibid.*, 7-8.
[25] *Ibid.*, 9.

effectively done "The cheefe officers themselves ought to be free from all vices and offences (so farr as humaine frailty will suffer them); for how can they punish others for their faultes, themselves being guilty of the same offences? Both the Lord and cheefe Officers ought to be an example to the whole family. . ."[26] Brathwait would have the success of this policing further assured by the master of the household himself, who was once at least gravely to harangue the assembled household on the position of the officers and the submission due to them. He suggests a sample oration for that occasion which he winds up in this manner—"And yow myne other Officers and Servants I doe now very earnestly chardge and commande yow all, upon perill of my displeasure, and losse of yowr places of service, that none of yow be so unadvisedly hardy as to shew against my saide cheefe Officers contempt or frowardnes, ffor if any happen so to doe, I will take it as if it were done against my selfe." and proud of his rhetoric he pats himself on the back by humbly remarking—"My meaning is not to wish the Earle to follow this, my rude discourse; but to serve for a grownde for him to frame a better speech upon"![27]

Real punishment for an inferior servant, guilty of violating his charge, lay through an officer's report of the misdemeanor to the master of the house, and as the officers equally reported zealous painstaking on a servant's part, by this means the underlings were soon taught to respect the dictum of their superiors.[28]

If any trouble arose among the servants necessitating a particular investigation, the case was to be tried by the officers: "The stewarde and comptroler are to sitt in councell upon any cappitall cause, committed, and for the better assistannce, maye call unto them, or eather of them, what capital officers ells they will make choyce of, for the hearinge such causes, and soe to proceede to reformation if it maye bee, if not, makinge theire lorde privie to the faulte comitted, to discharge the partie, or parties, so offendinge, as unwoorthie that place they serve in."[29]

Work of this character explains the advice given by James,

[26] *Ibid.*, 9.

[27] Brathwait, 5-6.

[28] Breviate, *Archaeologia*, XIII, 316 *et seq.*

[29] *Ibid.*, 316. The officers were responsible for the welfare of the household in times of special danger or sickness also; *vide* Breviate, 316.

7th Earl of Derby, to his son: "Have a good steward of your house, and clerk of the kitchen, who make themselves awed by the servants even as much as yourself; and while they serve you well you must countenance them well, so will your house be orderly." [30]

In addition to the officers, positions of honor about a lord were filled in most households by young knights or noblemen who thus acquired a good training. Henry, Earl of Worcester was attended ". . . not by footmen, but by gentlemen and gentlemen's sons. . ." There were many of these young gentlemen at £2 to £700 per annum, bred right in the castle.[31] The arrangements in Northumberland's household for accommodating young men, some of them at the earl's expense and some of them at their "friend's finding," have already been noted.[32] The same practice lived in the establishment of Sir Thomas Lovell. On June 25th, 1523, the sum of twenty-five pounds, eight shillings and three pence was paid to the yeoman of his wardrobe, a part of which money was for the apparel of ". . . the yong gentylmen wardes and scolers. . ." [33]

Servitors of this character also filled the like gentlemen's offices for Henry, Earl of Derby; all of his Gentlemen Waiters, in fact, being either the heirs or the younger sons "of independent gentlemen of first rank in the country." [34] In this respect Earl Henry was but following the custom of his father, who, in turn, doubtless inherited the practice as a tradition. Stow writing about the "life and death" of the said Edward, which were "deserving Commendation, and craving Memorie to be imitated," notes the earl's generosity towards "gentlemen . . . who waited in his service" — each of whom ". . . had allowance from him to have as well wages as otherwise for horse and man." [35]

Edward's proud descendant, the great 7th Earl, in an enthus-

[30] Second Letter to his son, *Stanley Papers*, Pt. 3, 3, 46.

[31] An old servant's report of the Officers in the house of the earl. *MSS. of Duke of Beaufort*, 3 and 5.

[32] *Vide* Chapter 1, 7.

[33] *MSS. of the Duke of Rutland*, 4, 263.

[34] *Stanley Papers*, Pt. 2, intro., v; see also notes, 111 *et seq.*, where their genealogies are worked out.

[35] Stowe's *Chronicle*, Fol. Edit., 448 b.

iastic eulogy of his ancestor's virtues addressed to his son, Charles, Lord Strange, confirms Stow's report by chronicling among the rest of the old earl's good deeds this sterling one — "He bredd up many Youths of Noblemen, Knights & Esquires Sonns (such Reputation had he of good Government in his House! And the same obliged many Families unto it.)" [36]

In 1524 the young Earl of Oxford, a minor, through his father's death, was ordered by Chancellor Wolsey to break up his household, and with his lady and a few only of their servants to abide in the house of his father-in-law, the Duke of Norfolk. The great Cardinal assigned as one reason for this regulation, that the young earl had too little experience as yet to guide his own household. This he was to gain under a mature master. During their sojourn with Norfolk, this young couple were to pay ". . . at such convenient prizes for their boards as betweene the same Duke, and the Ladie his Dutchess, his wife, and the said Earle of Oxenford, by mediation of his friends, can be accorded, covenanted, and agreed." [37] Whatever may have been the true motive for this decision, there is probably small reason for doubting that Oxford served his parent in some capacity, and this regulation is of interest in affording an idea of the manner in which such relationships were founded.

Further light is cast upon this very interesting practice, and especially upon the kind of relationship which might prevail between these young gentlemen, out for general instruction, and the noblemen in whose service they were placed, by the instructions which the Earl of Arundell set down in 1620 "for the benefit of his younger Son, the Earl of Stafford's Grandfather, under the Title;

"Instructions for you my Son William, how to behave your self at Norwich." "In these Instructions is the following paragraph, "You shall in all Things reverence honour and obey my Lord Bishop of Norwich, as you would do any of your parents, esteeminge whatsoever He shall tell or Command you, as if your

[36] Advice to his son, *Stanley Papers*, Pt. 3, 3, 17.

[37] "An Order made by the reverend Father in God Thomas Woolsey Cardinall of England, by directon from the King, to lymitt John Earle of Oxenford in the orderinge of his expenses of Household and other his affairs in his yonger yeares . . . [etc.] in the xv^th^ yeare of King Henry VIII." — *Archaeologia*, XIX, 62-65.

Grandmother of Arundell, your Mother, or my self, should say it; and in all things esteem your self my Lord's Page; a breeding which youths of my House far superior to you were accustomed to, as my Grandfather of Norfolk, and his Brother my good Uncle of Northampton were both bred as Pages with Bishopps, &c." "

Furthermore, Roper says of Sir Thomas More, who received his early training in the household of Cardinal Morton, that he was "received into the house of the right reverend, wise, and learned prelate, Cardinal Morton, where, though he was young of years, yet would he at Christmas-tide suddenly sometimes step in among the players, and never studying for the matter make a part of his own there presently among them, which made the lookerson more sport than all the players beside. In whose wit and towardness the Cardinal much delighting would say of him unto the nobles that divers times dined with him, *This child here waiting at the table, whosoever shall live to see it, will prove a marvellous man.* Whereupon for his better furtherance in learning he placed him at Oxford, &c."

The great establishment of Cardinal Wolsey was a veritable training school for promising young sons of the English nobility; Professor Brewer affirms that most of the Officials of Henry the Eighth's time passed an apprenticeship there, and Cavendish tells how ". . . at meals, there was continually in his chamber a board kept for his Chamberlains, and the Gentlemen Ushers, having with them *a mess of the young Lords*, and another for gentlemen." Among these latter was "my Lord Percy, the son and heir of the Earl of Northumberland, [who] then attended upon the Lord Cardinal, and was also his servitor; and when it chanced the Lord Cardinal at any time to repair to the court, the Lord Percy would then resort for his pastime unto the queen's chamber, and there would fall in dalliance among the queen's maidens, being at the last more conversant with Mistress Anne Boleyn than with any other; so that there grew such a secret love between them that, at length they were insured together, intending to marry." [88]

The household of Lord Burghley had the reputation in its day also, like Wolsey's establishment earlier, of being the fittest place

[88] Quoted by Furnivall in his Preface to Part 1 of *Manners and Meals in Olden Time*, ix. (Printed in Early English Text Society Publications.)

in England for young gentlemen to receive part of their training; an anonymous contemporary biographer says of certain of the great statesman's servants: "His lordship was [himself] served with men of quality and habilitie. For the most of the principall gentlemen in England sought to preferre theire sons and heirs to his service. Insomuch as I have nombred in his House, attending on the table twenty gentlemen of his retayners of a thousand pounds per annum a peece, in possession and reversion, and of his ordinary men as manie, some [worth] three, five, ten, yea twenty thousand pounds, daily attending his lordship's service."[39]

A letter written by the Earl of Essex to Lord Burghley, in 1576, regarding the training of the former's son, also evidences the high esteem in which his Lordship was held, and the splendid repute of his household; it reads, in part, as follows—"Neverthelesse, uppon the assured Confidence, that your love to me shall dissend to my Childrenne, and that your Lordship will declare yourself a Frend to me, both alive and dead, I have willed Mr. Waterhouse to shew unto you how you may with Honor and Equity do good to my Sonne Hereford, and how to bind him with perpetual Frendship to you and your House. And to the Ende I wold have his Love towardes those which are dissended from you spring up and increase with his Yeares, I have wished his Education to be in your Household, though the same had not bene allotted to your Lordship as Master of the Wardes; and that the whole Tyme, which he shold spend in England in his Minority, might be devided in Attendance uppon my Lord Chamberlayne and you, to the End, that as he might frame himself to the Example of my Lord of Sussex in all the Actions of his Life, tending either to the Warres, or to the Institution of a Nobleman, so that he might also reverence your Lordship for your Wisdome and Gravyty, and lay up your Counsells and Advises in the Treasory of his Hart."[40]

This again was another very common practice, not always conducive to nice harmony and quiet in a household; such young bloods were apt to be haughty, and Brathwait says that in houses where the head offices as the Steward's or Comptroller's, were occupied by men who were perhaps not so fortunate as to be

[39] Peck, *Desiderata Curiosa*, 22 *et seq.*

[40] Murdin's *State Papers*, 301-302. Quoted by Furnivall, *op. cit.*, xv.

of a rank equal to that of these young men, strict rules had to be introduced compelling the prompt obedience of the latter to such officers, or Bedlam were presently flourishing.[41] All told, however, it speaks well for the nobles, and the position in society which they held, this willingness on the part of young men of rank to serve them in capacities which often entailed humble duties, and Brathwait declares that it was not until the days of the Stuarts that such noble servitors felt themselves disgraced by serving any rank below their sovereign.[42]

These officers and higher servitors of rank were in close association with their lords socially and very intimate with them in the performance of their duties. It was Buckingham's Surveyor who betrayed him to the King, and his tattlings point to a detailed knowledge of his master's private affairs.[43] In fact there were times when officers became too involved in the house's management for the good of all concerned. When the 9th Earl of Northumberland was sowing his wild oats, his chief servitors went bond for his debts, and in their anxiety to clear even, they drove their lord a sorry course. The earl vividly describes certain of their evil promptings: Debts had to be paid, woods were sold so fast and carelessly that in a few years was £50,000 value disposed of for £20,000 ". . . to Jewellers and Silkemen, making their nests in the branches" — and now ". . . the memory of good trees in rotten rootes doeth appere above ground at this day, being forced now for the fewell reliefe of your house at Petworth, to sowe acorns. . ."

"Now, woods being goen, fynes only rested to comme in play, the grasse being cutt under my feete for my western lands, as yow hard before. Northumberland, Cumberland and Sussex, being but coppiholders of inheritance, would yeald nothing. A littel pittance in Yorkshire remayned, wherein commodities might be raysed. The tenants having somme few years to comme, by perswasion of officers, I renewed there estates for twenty-one years; made 1700 lb fyne, and lost by that bargaine almost 5000 lb a yeare till the tyme was expired. The benifitts yt fell to my share, was, that the tenants prayed God to blesse there worshipps, waited on them to all there pleasuers; feasted them and

[41] Brathwait, 15.
[42] *Ibid.*, 15.
[43] *Henry VIII*, I, iii.

lodged them well: — littel bribes now and then was discovered to be taken; great ones I doubt not were had, thoughe carried more closely; and thus in pompe, iyngeling uppe and downe the cuntry with there gilt bosses and studded trappers, there tales being at ease upon soft seates, weare auguries of an evell turne towards me, and a warning to yow to eschew glorious officers and servants, as a peste to yowr estate. And could any thing be imputed to be the reason of this, (since in myne owen tyme it hathe bene amended,) but the want of knowledge of myne owne? — Lands were sold, and more would have bene if I could, at under rates. For other petty and scattered demyses, I will only remember in the cateloge of the account; wherein my ignorance (for I will ley it upon nothing else) lost me, what in letters of adminstration, — in partition of thirds, — in giving honnymoone tyme, or unavisedly, — in sales of woods, — in demises of lands, and sale of some littel, — 60,000 lb or 70,000 lb." [44]

Could it have been otherwise than galling to the great Lord John Howard, later Duke of Norfolk, when he had to write the following to his Steward: ". . . ferther mor were I howe zower fader in law my welweller a c. marke, for the wesche he hathe of myn to plege a kope of gold and dyverse hoder plate of mye, [to plege, I wol dessyre] as it a perethe be an hendentor, sehenge the grete ned I have to stoffe here, I wol dessyre heme to delyver the seyd kope and al the remenant to my welbeloved servante . . . , and also the hendentor of the same; and fore is paymente I dessyr zowe to be sewerty ther fore; and fore be kawse I wol ze schal be sewer wethe howete lose, I wol ze be my resseyvor of thos mekel as folowethe: firste, of Stoke, Stoke all, Jorges, Poweneses, Wedermersche, Nederall, Kalseres, Konstabelles, Bawchoues, and of al that lyethe in Stoke; of myn meles and honder, the maner of Sprotes, the maner of Bower Howese, the maner Leyame and Hoverbery al, the maner of Wersted, the maner of Smitheton, the maner of Stanstrete, the maner of Leffey, and the rewel (rule) also honder me of my konstabelchepe at Kolchester; and to resseyve of Fenche al that he gaderethe fore me; and to resseyve of Skraton al that he gaderethe bothe of the mel and hoder; also frome Mekelmes laste

[44] Advice to his son, *Archaeologia*, XXVII, 324, 325.

was forethe al the maneres of Aldam, Kokefeld, and Prestone: and of thes mony that ze schal resseyve I wol ze pay to John Amond zower faderlaw, at Hester nexte komenge L mark, and at Mekelmes nexte afeter L. marke: and zeffe Jhon Hamond wol thos a gre I bynd me be thes my wrytenge that this schal be parformed . . . " ![45]

Skelton, however, takes for granted sacrifices on the part of servants far more heroic than these possible ones. In the "Lament" already quoted he thus describes the sort of relationship which ought to stand between them and their lord:

> And were not they to blame, I say, also,
> That were aboute him, his owne seruants of trust,
> To suffre him slayn of his mortall foe?
> Fled away from hym, let him ly in the dust;
> They bode not till the reckenyng were discust;
> What shuld I flatter? What shuld I glose or paint?
> Fy, fy for shame, their hartes were to faint.
> . . . . . .
> But al they fled from hym for falshode or fere,
> Barones, knyghtes, squires, one ad all,
> Together with seruantes of his famuly.
> . . . . . .
> Turned their backis and let their master fal,
> Of whos [life] they counted not a flye;
> Take vp whose wold, for ther they let him ly.
> Alas, his gold, his fee, his annual rent
> Upon suche a sort was ille bestowd and spent.

— devoted, even to the sacrifice of life must it be, as the poet a little fulsomely pictures it, with eye on the young heir, we fancy.

The more humble servants lived in a kind of patriarchal simplicity under their noble master, who often manifested a kindly interest in their little concerns which was like the paternal attitude assumed by the old time Southern planter of the better type toward his dusky household servants. Thus in addition to the wages which the help earned, it was the custom in many families to reward this or that servant for the proper or pleasing manner in which some task had been performed. In November of 1561 James of the Kitchen in the Bertie household was given 8. d. by his lord's special commandment for "well dressing my

[45] Undated letter in *Howard Household Books*, 558-560.

Lady's dinner"; [46] while in February of the same year the fruitful industry of Mistress Brodbank was gratefully recompensed by payment to her of 3. s: 4. d. She was in her line a triumphant domestic Diana, her reward being for ". . . ketchinge of forty-four rattes at Valdey." [47] A lad by the odd name of Braby, a hand regularly in John Howard's (later Duke of Norfolk) household ranks, was the lucky owner of a like quick talent, which adroitly practiced now and again, netted him a tidy pittance. On March 26th, 1483, he was given 6. d. for taking thirteen moles in one day.[48]

Frequently this same nobleman in dealing with his servants, was generous enough to give them a bit of drink money. Particularly was he apt thus to remember them upon the fulfillment of some duty or mission. Thus Thomas Seyneclow, one of his trusted servants, while he was in London one day in August of 1482, paid for some things for Howard, and at the end of his list, came his own moist "item" — "and for that my Lord gaff him to drynk 4. d.[49] On January 17th, 1483, when Howard settled with his bailiff and his wife, for their terms service, he rewarded that official's better half with 8. d. to drink, in addition to the price of her gown, a customary gift, which was 6. s: 8. d.[50]

This same kindly relationship between these great "potentes" and their "humiles" in these little home worlds, was also fostered by another practice among the nobility — that of making small money gifts personally, or through the hands of their children, to their servants, when children of the latter were christened. On August 7th, 1482, Lady Howard (Lord John's wife) at her country place, Stoke, gave 20. s. ". . . to the crystenyng of mastyr Gorge's chylde," and on October 30th of the same year she presented 30. d. to "mastress Graces chyld crystenenge." [51] In November of 1561 young Mr. Peregrine and Mistress Susan Bertie were given 30. s. "To the christininge of Archenbaldes child . . ." 24. s. of which went directly "to the christininge" and the remaining 6. s. to the nurse and mid-wife.[52] In

[46] *Grimsthorpe House Papers*, 463.
[47] *Ibid.*, 463.
[48] *Howard Household Books* (Collier), 374.
[49] *Ibid.*, 284.
[50] *Ibid.*, 342-343. There are scores of these instances.
[51] *Howard Household Books* (Collier), 282, 318.
[52] *Grimsthorpe House Papers*, 465.

February 28th, 1591, Elizabeth, Countess of Rutland gave 22. s: 6. d. to her son Francis to be divided similarly at the christening of the son of young Thomas Fairbarne.[53] Lord North at Kirtling, once stood God-father to one of his retainer's children; again he gave 10. s. to the marriage of one of his servants, and still again he presented the quite handsome sum of 53. s: 4. d. to the christening of a child of one of the household men.[54]

The 5th Earl of Northumberland had a well systematized household reward bureau, and while a part of the payments disbursed from its appropriations were like wages, others appear as surely to have been special rewards. It was his custom, for instance, when he was at home and "kept Chapel" to give his little singers 6. s: 8. d. ". . . when they doo synge the Responde callede Exaudivi at the Matyns-tyme for xjm (11000) Virgyns uppon Alhallow-day."[55] Other houses observed similar practices. In 1469 George, Duke of Clarence, laid down a regulation for the fair distribution of rewards in his household. The rule applied to the entire house, and provided that every such gift was to be gauged according to the degree of the servant in question. On such days when rewards were presented to all in the service, these were to be paid by the Clerk of the Kitchen and the Marshal of the Hall for the time being, which officers were to see to it that all household men absent about the business of the duke during the distribution, received their rewards as though they were present in person,[56] and he ". . . appoynted that all ladyes, gentylwomen, and chamberers, attending uppon the . . . Duchesse, take suche fees, rewardes, and clothinge, as shall please the Duchesse."[57]

In 1561, rewards of this sort, paid in the household of Edward Earl of Derby by the Clerk of the Kitchen, the Receiver-General and the Steward amounted to £37:10:1 in the course of that year.[58]

Unfortunately there was on the side of either party in each household a rank taint of hypocritical casuistry coloring this practice, which deprived it of all spontaniety and true grace.

[53] *MSS. of the Duke of Rutland*, 4, 401.
[54] Household books (selections), *Archaeologia*, XIX, 291 *seq.*
[55] *Northumberland Household Book*, 342-343.
[56] *Royal Household Ordinances*, 92.
[57] *Ibid.*, 94.
[58] *Stanley Papers*, Pt. 2, 4.

Its genuine leit-motif was invariably a sordid *quid pro quo* — a literal interpretation of the "Golden" rule. Brathwait bluntly speaks of the custom in connection with that industry which all servants, but here especially gardeners should practice: "The garden," he notes, "being a place not onely pleasant, but also profitable; if the Earle and Ladie often goe into it, and finding things well, he will commend the gardiners, and sometimes giving them mony will encourage them to more paines: but if they finde matters otherwise, to tell them roundely of it they will not spare." [59]

James, 7th Earl of Derby prescribed nicely calculated rewarding: "I would as much as in me lay keep my own cash, so shall I better husband it, knowing on what occasions I part with [it]; and as it is a custom sometimes to reward good servants, consider well before you give, what it is, to whom, and for what, for certainly when you give to a good man (because he is good) it is likely to keep him so, and make others good from the example." On another occasion he told his son also, that "The Duke of Buckingham was used to reward his worst Servants first. And, being asked the Reason, he sayd, thereby he was sooner rid of them; the others would easilier abide in hope." [60] He was not willing to vouch for the worth of such a rule however.

It was the 9th Earl of Northumberland, though, who gave his son the most unblushing exposition of this metallic for value received policy: "For I say, not to give succor and reliefe after that proportion yow are able, out of yowr fortuns to sutche as waste there tyme in yowr business, is inhumanitie and dishonorable; . . ." That sounds well, but its frank humanitarianism loses its forcefulness when coupled with its defensive corollary: ". . . and for them to gaine by deceite from yow [that] whiche is not fitt for yow to give, is wickednes in them, and folly in yow to lett goe: whereas, using the contrary, yow shall be able to give more with lesse losse to yowr selfe, and they prove to gaine more in the ende with more honesty to them selfes."

He subsequently develops this same theme in a very interesting manner. It smacks, for all the world like a domestic brand of the dagger-jabbing statesmanship which that most misunderstood

[59] Brathwaite, 40.

[60] Advice to his son, *Stanley Papers*, Part 3, 3, 36, 46.

and most abused of men, Nicolò Machiavelli whispered into the slow ear of Lorenzo de Medici: "To procede with my third rule, wherein you are willed to be the giver of yowr owen guifts, without the intercession or distribution of it by others, is but to make yow master of yowr owen, as it hathe bene desired in the former principells. This will not doe it alone, but will give a helpe to the worke, not ayming to perswade yow to give lyke a God, that looketh for nothing back againe; nor by the strict rules of vertu, that must give only for vertues sake. My rules shall tend to give as one that expecteth a returne againe from them, ether out of obedience to yowr person or care of yowr profitt; or love with integrite; or to ease yow of somme labors yow cannot well undergoe; or to be a diligent watche, least snares may be laid for yow; and lastely, to bind yowr dependents without flitting, that every day yow be not pute to study new men, new humors, new affections. If there be any judiciall considerations in well-carrying the former precepts, in this there is a farre greater master worke; for, credit me, to give well and advantagiously will aske a great deal of art: but how to give, that yow may have the thanks (since it is yow that must part with the benefitt), in it lyeth the mistery."[61]

This is of the earth, earthy. It has, however, the virtue of honesty, and as one reads it he feels a guilty relief in thinking that circumstances do not compel him to tear down the finely spun webs of sophistry which handsomely veil the naked deformity of his real purposes. Which of us could dwell openly undisgraced in the Palace of Truth without the magic casket!

It is encouraging on turning from these selfish practices, to discover others of a genuinely altruistic fibre which plainly assert that many times these English noblemen looked further than the petty advantaging of self in dealing with their servants. Good old Brathwait assures us of one such pleasant habit: It was formerly the custom, says he, for Earls to ". . . appointe their cheefe Officers to spy out when any rich widdow, or Farmers daughter that had no brother, that were his tennants, chanced to be in any Mannors or Lordshipps of his, that they might be wives to such of his servantes as for their true and painefull service deserved to be preferred, that when by age or

[61] Advice to his son, *Archaeologia*, XXVII, 317 *et seq.*

other infirmities they did grow increpite, they should not be destitute of a dwelling place. . . ." This might have entailed real sacrifice, for as Brathwait goes on to say, some of the nobles in his day were so needy that when any farm "fell" they had perforce to prefer him who would pay most.[62]

In other ways, too, did noblemen show a real material generosity, for while it is apparent in some households at least, that the services of little children were hired because they were cheaper,[63] on the other hand a fatherly interest was often taken in the material and intellectual welfare of these little folk. In the Bertie household there lived a group of twelve youngsters, including the two children of the family. They were called the "children of honour," and while it is not clear that these were some of the same little people serving in the kitchen and the other usual places where children were to be found in such an establishment, yet one of the boys was called "William the Lackey," and it is probable enough that they were all in office. There was one little girl, Anne Gannocke, perhaps the running mate for little Susie Bertie. All must have been children of promise, both from the name given them, and because the family youth were associated with them; be that as it may, however, all were provided with clothing; toys were from time to time purchased for various ones of the group; while, best of all, a master was regularly paid for instructing three of the boys, and school gear like ink and pens was paid for in their names:

"March 1561 'For 2 payer of shooes for Mr. Peregrine, a payer for Mistress Suzan, and a payer for Rychard Hall, at 7d the payer, and Rychard Hall's at 8. d.' 2s. 5d."

"December, 'For two yardes and a quarter of friseado at 8s the yarde' for coats for the two Georges."

"September, 'For 8 payer of knitt hose for the children.' "

"November, 'For a penne and inke for John Jeny, and for quilles for the Georges 9d.' "

[62] Brathwait, 32-33. The cruel, hard-fisted economy of the house of Cornleigh Cornleigh was directly descended from this early practice, I suppose. See R. Jefferies, *The Dewy Morn*.

[63] John Howard to his Steward: ". . . also I wold my pastores wer wel stored wethe katel, and a Man that schold kepe them myte hoder wyl helpe to dreve the karte, and so wethe helpe of chelderen the fewer men myte serve; . . ." *Household Books*, 558-560.

"Oct. 'To Mr. Worthington in part payment for the "borde and scolinge of Richard Hall, John Turpin and Anthony Blackborne 20s."' "

"April, 1562, "To Mr. Worthington for the borde and skoleing of Rycharde Hall, John Turpine and Anthony Blackborne, for one halfe yeare endid at Maie daie next, after £5 the yeare for ether of them "£7:10s." "More for Richard Turpine, after £4 the year," 40:s.' "

"May, 1562 'Paid for bowes and arrowes for George Sebastian' 6s."

"June, 1562 'Paid for 2 gramer bookes for the children,' 2.s." [64]

Lord Willoughby sought the intellectual welfare of his little servitors constantly. Even when he was at the head of the English forces in the Netherlands, in those trying years 1588-1589, enduring all the pitiful hardships which Elizabeth's hesitating, niggardly policy caused, he bore in mind the education of his pages, nay, on one occasion, made it a matter for diplomatic correspondence even. On March 10th, 1589, he writes from Middelbourgh to M. Mondragon, Governor of the Citadel of Antwerp, regarding the ransom of prisoners, and ends his communication in this wise:

"Meanwhile, I would recall to your memory, that when I was Governor of Bergen-op-Zoom, there fell into my hands one Pierre le Espagnol, whom, although he was 200 florins short in his ransom, I released upon your word. Now, some month ago, I summoned from England a certain poor schoolmaster, to teach my pages, and on his way hither he was taken on the coasts of Flanders and carried to Dunkirk, where he is still a prisoner. I pray you therefore to send him to me, in recompense for the two hundred florins." [65]

Other noblemen were thoughtful in this important respect also. It was no doubt to this same worthy end, at least in part, that the 5th Earl of Northumberland maintained a school-house in his castle of Leckinfield; from Allhallows to Lady-day, one peck of coals daily was delivered to it, and one of the eleven priests in the household, who was a Master of Grammar, was paid the quite munificent salary of 100s per quarter, for his ser-

[64] *Grimsthorpe House Papers*, 462.
[65] *Ibid.*, 263.

vices; furthermore, he had a servant assigned to him, who was usher in the school.[66]

[66] *Northumberland Household Book*, 44, 47, 100, 323. It is possible that Lord John Howard, Duke of Norfolk, went even further than this; he certainly aided in the maintenance of one or two boys at Cambridge, as the following entries in his household accounts show, and it is not unlikely that the fortunate young men had been in his household, or were to fill stations there later.

August, 21st Edward 4th. "Maister Perfoote, for the childe at Cambrigge. Item, my Lord toke him upon rekenyng for the childe xxvj.s. viij.d."

22nd Edward 4th, January 4th. "Item, . . . I, Dalamar [one of Howard's servants] toke to Maister Archer upon rekenyng of the kepyng of my Lordes children at Cambrygge xiij.s. iiij.d." [In Howard's hand, in margin of the MS., "lytel Berweke."]

"Item, to the childe to go to Cambrygge iiij.d."

22nd Edward 4th, April 2nd. "Maister Archer Item, to hym upon rekning of the childe of the Hieth fyndyng at Cambrygge xiij.s. iiij.d. So he hath had xxvj.s. viij.d."

"Item, the same day (June 16th, 22nd Edward 4th) my Lord toke a man, callyd John Latoune, of Cambrige, to take master Barfote iij.s. iiij.d."

"Item, the same yer, and the xx. day of June, my Lord gaff to the same John Latowne for his costes from Cambregge to Foderyngey, and to brynge the chylde from thens to Stoke vj.s. viij.d."

"Bradfeld. And wher my Lord fyndyth young Bradfeld at Cambrige to scole, which begun att Crystmass the xxj. yer of the kyng, he hathe been ther half a yer at this last Midsomer, the xxij. yer of the kyng, for the which my Lord rec. the same yer, and the vj. day of July, of Jhon Bradffeld, the younger, for his parte of the fyndyng of the said childe for half yer xiij.s. iiij.d."

"Mastr Barfott. Item, the xviij. day of Octobre, (22nd. Ed. 4th.) my Lord paied to Mastr Barfot for his ij. chyldre that he fyndyth at Cambrege v.li. xj.s. j.d."

"Archer. The vj. day of Jenever (22nd. Ed. 4th.) my Lord paid to mastr Archer, Master of Arte at Sudbury, for a childe that my Lord feyndeth att Cambryge, callyd Rychard Beryffe, which came in att mydsomer; and my Lord payth for halfe his fyndyng a yere xxvj.s. viij.d.; which xxvj.s. viij.d. my Lord paid hym, as hit ys afor rehersed, and so he ys paid tell mydsomer next eometh."

"Bradffeld of Hythe. Item, the xv. day, (Jan. 22nd Ed. 4th.) my Lord rec. of Bradfelde, at the Hythe, (an ordinary) for the fyndyng of the childe at Cambryge xiij.s. iiij.d."

"Young Bradffeld. Item, the same day, (21st March, 23rd Ed. 4th) my Lord resseyved of young Bradffeld for the chyldes fyndyng at Cambrege, be the handes of Stephyn Howyth vj.s. viij.d."

"Bendysh. Item, the v. day of Aprill, (23rd. Ed. 4th.) my Lord alowed

Business like as these and similar customs at times were, other more exact relationships were established between a noble lord and his servitors through the practices in vogue for hiring and remunerating servants. Despite the presence of responsible officers in a household, few if any of the nobility allowed the many duties connected with hiring and paying servants to get beyond their own ken, and this, after all, is the best commentary on the importance of the servant problem in their eyes.

In 1512, Northumberland's household numbered one hundred and sixty-six people, as before related. The membership was supposed to be maintained at this status also, as decided by the Earl Percy and his council at his castle of Wressil in the aforesaid year.[67] If at any time the regular list of servants was not full, then the chief officers in charge of the house were to inform the earl, so that he could alter the check-roll, or fill up the vacancies in it, either, as he thought best.[68]

The control of this detail was very elaborate. Northumberland had of course, his year's check-roll of the household, family and servants.[69] He had in addition what was called the quarter check-roll, on which were the names of all in the house present for that particular quarter, together with the wages of each servant on duty.[70] This had to be made out regularly for each quar-

Willm Ferth, of Hadleyth, for Bendysh sone, to fynde hym at skole at Cambrege xxvj.s. viij.d.''

''Mastr Stokes. Item, the xxiij. yere of the kynge, and the v. day of Aprill, my Lord delivered to mastr Stokes a sygnement to Geffrey Bledwell, for to resseyve of hym uppon v. markes that my Lord geveff hym yerly to his skole ward, for the terme of Ester last past xl.s. And so he is content unto the said Ester, and more to the summa of vj.s. viij.d.''

''M. Berfotte. And the same day, and the first yere of the kyng (Sat. Oct. 4th, 1st, Ri. 3rd.) my Lord rekyned with mastr Barfote for his childe at Cambryge, callid Willm Marche, and wher he axsyth for a xij. monthe for the said childe, at hit a pereth be his bill more playnlyar un to Myelmesse last past v.li.xj.s. x.d.: and for tother chylde callid Barfelde for a yere un to the said Myelmesse a bove wretyn iij.li. xiiij.s. vij.d.; which drawith ix.li. vj.s. v.d., my Lorde hathe delyverd the said Master Barffote a syngment to yong Jhon Reynfford to rec. of hym the said ix.li. vj.s. v.d.; and so he ys, all thynges rekyned, content un to the said Myelmesse a boffe wretyn for all that he can ax.'' See *Howard Household Books* (Collier), 99, 147, 149, 178, 207, 214, 300, 337-338, 341, 371, 379, 380, 467-468.

[67] *Northumberland Household Book*, 46.

[68] *Ibid.*, 46.

[69] *Ibid.*, 235.

[70] *Ibid.*, 64.

ter, by the Clerk of the Kitchen or the Clerk of the Brevements or accounts, and handed in a senet (fourteen days) before each quarter day, so that his lordship could look it over, correct it, have it made up and sign it before the end of that quarter. If amending had to be done, the necessary information therefor was contained in four distinct bills, which were filled out and handed in at the same time by the above-mentioned officers. One had to contain the names of persons who had quit service during the quarter, what their places were and what wages they had drawn. The second was a bill of the ". . . rowmes in the Chequirerolle that laks Persons in theme accordynge to the Ordor of the Chequirerolle . . ." that is, the official list of servants.[71] At first glance one of these two bills seems superfluous. In reality both appear to have been needed. It might have been that at some quarter certain vacancies in the roll were allowed to stand; such would be recalled to the earl's attention each new quarter by the rooms bill, when he could thereupon do his pleasure in regard to them. This was quite a different matter from a fresh vacancy.

The two other bills had likewise to be made out each quarter. One contained the names of all the people in the household not in office, and the reasons why they were there, so that the earl could decide whether to put them into service ". . . or ells to cause theme to departe owte of the house, . . ." In the other were listed the names of all in a particular office above the number provided for it in the official roll, and the reasons why. All four of these bills had to be signed by the earl himself.[72]

The servants in control of this detail were supplied with a formula for each bill, worked out by Northumberland with the help of his council. The following is the style of the rooms bill: "THIS IS THE BILL of the Names of the PARSONNES That wantes in the ROWMES in the Chequirroill made at Michaelmas in th' Eight Yeir of the Reigne of our Sovereigne Lorde Kinge Henry the viijth That shulde fulfill the Hoole Noumbre appointed that my Lorde shulde keip in his Hous for an Hoole Yeir AS the Names of the saide Parsonnes Ande what Parsonnes they be Ande in what Rowmes they waite in my saide

[71] *Northumberland Household Book*, 70.
[72] *Ibid.*, 70-71, and 267.

Lordes Hous Hereaftir followithe in this Bill Signide with my Lordes Hande." [73]

Once a new servant were chosen for duty his lordship sought further to insure himself by insisting upon the administration of an oath of office. Thus it was provided ". . . that what Person somevir he be that cummeth to my Lordes Service That incontinent after he be enterede in the Chequirroill that he be sworne in the Counting-hous by a Gentleman Usher or a Yeoman Usher in the presence of a Hede Officer Ande in their absence befoire the Clarke of the Kitching Aither by suche an Oithe as in the Book of Oithes if any suche be Or ellis by suche an Oithe as they schal seam best by their Discressions." [74]

It is quite impossible to affirm that so elaborate a system as was here in operation was used all over by the nobles; but the same purpose was worked out all over. Henry, Earl of Derby, had his check-roll which was ". . . to be sett downe onder my L. his hande of the names and nomber of his L. S'vantes generallie to be allowed in his L. house." His lordship was to be closely aware of any substitution in office, for which his license or the permit of the chief officers had to be given. He maintained the usual dependence of all the lower servants on the principal officers in the establishment.[75] There was no hiring of servants without the knowledge of the master therefore, and this was probably universally understood in households at large.

Many nobles went much farther than this, and assumed a direct share in the actual process of engaging their help. The 9th Earl of Northumberland tells his son how at the beginning of his career, he at first chose ". . . yong, handsomme, brave, swaggering, debaucht, wilde, servants . . ." who abetted his wild desires, etc.[76] James, 7th Earl of Derby, says that he would not hire a servant who was either a Puritan or a Jesuit, nor would he willingly take on a musician (I suppose one who could play but did not do so by profession). Again he remarks: "It is very handsome to have comely men to serve you," and advises against married help, as it necessitated keeping the children like-

[73] *Northumberland Household Book*, 267-268.

[74] *Ibid.*, 258.

[75] *Stanley Papers*, Pt. 2, 20.

[76] Advice to his son, *Archaeologia*, XXVII, 323.

wise — all servant requisites scarcely to be left to the decision of a proxy. But the earl, further assuring his son against all pitfalls says: "For the first Conjecture one usually will give of a great Man & of his Understanding, is, upon Sight of his Followers & Servants, whether they be able & faithful. For then he is reputed wise, as having Knowledge to discern. I know many great Families of ENGLAND ruin'd, that when I have asked the Reason, usually the Answer was, 'In good Fayth it is a great Pitty — he is well borne — hath had many gallant Gentlemen of his owne Name — He himself is an honest Gentleman — very kind-natur'd, & very liberall — But he hath ill Servants.' He might as well have said in short, his Lordship is a very Foole, & his Men be Knaves."[77] There is no doubt but that the 7th Earl of Derby picked out his servitors!

Lord John Howard, who became Duke of Norfolk in June of 1483, and who was not least among the nobles of his day, often made it a practice to represent in person his side of the contract when new hands were taken on at Stoke. This was the case whether the help were for some specified job on one of his places, or for the regular household service. This nobleman's custom, and probably the English wide manner of the time, was to dicker out the terms of the agreement, and set them down in a formal statement, a veritable indenture, such as the king himself used when he bargained with noblemen, say, for military service. Such a pact must have assumed an awful sanctity in the eyes of the domestic hireling or else the common ground between the high and mighty and the work-a-day folk in their employ was much commoner than is perhaps understood.

The dates and terms of the service were always specified and the agreement was generally clinched, as were all such bargains then, apparently, with a pittance from Howard to his new man, as earnest of his sincerity: "The xxx. day of Jewen, (22d, Edward 4th) I mad konante wethe John Braby, that he schal serve me frome hower Lady day of Sanesyon nexte comhenge to that day xij monthe, and he to have fore is serves be the yere xl.s. And a gowen, and he to fynde hemeselfe bedeng; and I gafe heme in erneste xij.d."[78]

[77] Letter to his son, *Stanley Papers*, Pt. 3, 3, 11-12.
[78] *Howard Household Books* (Collier), 211.

Howard used exactly this same detail in hiring some of his more important servants. On January 11, 1482, he personally made covenant with Sir John Leonas of Hadley for a year's service at five marks, and his lordship gave Sir John thereupon 12.d. in earnest.[79] Howard sometimes allowed his Steward to take on a new man, probably when the new-comer was for his department. On August 10, 1482, the Steward, Blyant, agreed with John Baker for his services from Mid-summer to Michaelmas, and the latter received that Saturday 2.s.[80] This form for hiring help was also in use on the Bertie estates; thus in April of 1561, 4½.d. was paid "to Philip Handon the gardiner, to bynde him for a yeare to be servante."[81]

Naturally it was eminently necessary for a nobleman to appoint his officers of household. This was formally done by granting to such men patents of the particular positions for which they were chosen. William ffarington held his office of Steward to Earl Henry of Derby by patent,[82] and his Receiver-Generalship under that earl's successor, the Earl Ferdinando, by a like grant.[83] The 5th Earl of Northumberland spoke of his Surveyor as "promoted by patent,"[84] and of his Dean of the Chapel and his council-men as drawing a certain wage by patent.[85]

Wages were generally reckoned by the quarter or by the year, and were paid according to the custom of the house, quarterly, half-yearly, or yearly, but sometimes with the greatest irregularity. Northumberland paid the large body of his servants half-yearly,[85] but the wages of all were established for the quarter.[86] His Chapel men were regularly paid quarterly and so were his launderers.[87] In 1523 Sir Thomas Lovell paid all of his hands on Michaelmas for the year,[88] but the Earls of Rutland

[79] *Howard Household Books* (Collier), 150.
[80] *Ibid.*, 229.
[81] *Grimsthorpe House Papers*, 464.
[82] *Stanley Papers*, Pt. 2, xxxviii.
[83] *Ibid.*, lxiii.
[84] *Northumberland Household Book*, 47.
[85] *Ibid.*, 47.
[85] *Northumberland Household Book*, 28.
[86] *Ibid.*, 50.
[87] *Ibid.*, 23, 27.
[88] *MSS. of Duke of Rutland*, 4, 260 *et seq.*

after him paid quarterly.[89] Lord John Howard agrees with men for their services from such and such a quarter, and talks about paying servants their quarter's wages,[90] but his actual payments were most irregular and hard to follow. Occasionally many received pay at one time,[91] but again the hire was doled out to his servants in such a scattering fashion and in such varying amounts that one is inclined to believe that his Grace, like many before and since his day, paid up when he had the money.[92]

In 1469 the Duke of Clarence ordered — "ITEM, That all suche persons as shalle attend aboute the said Duke be in a chekker rolle in the kepinge of the clerke of the averye; and that every squyer of housholde have viid.ob. every daye that he waiteth in the courte; every yeoman iiiid. every groome iid. every page suche wages as shalle please the seid Duke; and the seid wages to be payed quarterly in the counting-house; and once clothinge; and also rewardes to suche as be moste diligent, honorable, and profitable; with suche preferment as accordeth to theire desertes." And again — "ITEM, That all suche persons as shalle entend aboute the Duchesse be at wages in certaine by the yeare, and paied quarterly, as it is aforeseid; beinge in a rolle in the kepinge of the clerke of the kichyn, or elles the clerk of the stable."[93] Lord William Howard of Naworth was at times, it seems, in arrears with his wage money, though equally it appears to have been his custom to establish servant hire quarterly and yearly; thus in 1612 part of his wage budget reads as follows: "January. — To Fergus, for one quarter due at Christemas last, x^s. 16. To Mrs Jane Slade, for half a yeare due then, iij^{li}. 26. To Anthony Yates, for one quarter due at Candellmas, xvj^s $viij^d$ Feb. 2. To Harry Baker, for one quarter due at Candellmas, xx^s,"[94] etc.

An effort was made to avoid complications in wage reckoning

[89] *Ibid.*, 284 *et seq.*, 296, 308, 319 *et seq.*, 362.

[90] *Howard Household Books* (Collier), 211 *e.g.*

[91] *Ibid.*, 375 *et seq.*

[92] *Ibid.* One man Benham, for example, was paid as follows: 1481 — Apr. 4th, Aug. 22nd, Aug. 28th, Nov. 28th. In 1483 — Apr. 5th, Apr. 25th, July 12th, Aug. 10th, Sept. 3rd, Dec. 24th. I have worked out four or five other like cases.

[93] *Royal Household Ordinances*, 94.

[94] *Household Books of Lord William Howard of Naworth Castle*, 17.

by taking on help at the regular quarters. These were, of course, Michaelmas, Christmas, Lady-Day, and Mid-summer, or Saint John Baptist. The covenants Lord John Howard made with his new men were all, as above noted, effective from one of the quarters.[95] He had a man, Webbe, hired from Michaelmas, 1481, another, Werwell, from Christmas, three others, at Easter, and so on.[96] The 5th Earl of Northumberland practiced a clever scheme to the same end. It certainly was not always practical or possible to hire help only on a quarter day. If an office fell vacant, it probably had to be filled at once. Northumberland, however, laid down the rule that if a new hand came into service, within one month of a quarter day, on either side of it, he must "enter wages" as the term went, from that quarter, while if he were taken on at any time more than one month from a quarter, his pay then started with the next quarter; under either of these conditions a man might be compelled to work for some time gratis, but the earl also ruled that if he chose to do so, he might, off-hand as it were, reward such a one for service thus rendered.[97]

That great peer was nevertheless as accurate a paymaster as any present day manager of a department store with his relentless time-clock. He supplied no happy-go-lucky fount of shillings and pence for the wayward or the regular absentee among his servants; no work, no pay, was ever his steadfast code. Punctually at every half-year must his charged officials, the Clerk of the Kitchen or of the Brevements, turn in a bill, wherein were the names of such servants as had absented themselves from service without a license, together with the reasons for such absences, the lengths of time they were away and the sums that were therefore to be deducted from the half-year's wage of each. The earl took care, also, to duly sign this bill.[98] He kept a like close eye on the goings-out and the comings-in of his Chapel men, though in their cases, of course, the bill had to be made out quarterly.[99] Again, if it chanced that any of his household went with their master, in the service of the King "beyond the seas,"

[95] *Vide* also *Howard Household Books* (Collier), 362, 382, etc., etc.
[96] *Ibid.*, 362.
[97] *Northumberland Household Book*, 46.
[98] *Northumberland Household Book*, 67.
[99] *Ibid.*, 67.

they received no household wages for the time that they were absent, since they were then in the sovereign's hire. The accounting of such time was in the hands of the same metronomic officers earlier named.[100]

Finally it remains to be said that the quarter day pay system, if rigidly practiced, often entailed hardship on various of the servants who must needs frequently have been as distracted as the down-at-heels university instructor who can but ill span the dreary lenten wastes lying between his thirty-day microscopic budget items, and under the circumstances, they, like that lean shadow of misery, learned to deal in futures. Thus Lady Howard (Lord John's wife) pays Roger of the wardrobe 3.s:4.d. on his wages to buy "hosen."[101] At another time the same kindness is extended to another of the household men, Thomas Seyneclow, "on his wage," whose hosen, too, were ill-timed in mid-season on their last legs![102]

So common was this practice in the Northumberland household that it developed a special book-keeping to take care of it. Each quarter when pay-day drew near, the Clerk of the Kitchen or of the Brevements had to call on the Cofferer, and Clerk of the Treasury — fellow officers, for the bill of all "prests of wages" which had been paid out by them at the earl's order in part payment of wages. These items were then deducted from the amounts otherwise due to such luckless servants, when the wage bill was duly made up and signed by Northumberland.[103]

While it is not necessary to specify the rates of wages paid to servants, it may be intimated that the gross sums thus expended in the course of a year were large, and formed a goodly portion of the annual household expenditure. In 1469, George, Duke of Clarence, paid 1099£:1s:4d for servant hire, his entire running cost for the year being 4505£:15s:10d and eleven twenty-fourths. So closely did his clerk figure![104] Northumberland's hired help cost him yearly, at the rate of payment adopted in 1512, 189£:6s:8d, in a yearly total of 933£6s:8d.[105] Edward, Earl of Derby,

[100] *Ibid.*, 67.
[101] *Howard Household Books* (Collier), 317.
[102] *Ibid.*, 192.
[103] *Northumberland Household Book*, 70-71.
[104] *Royal Household Ordinances*, 104-105.
[105] *Northumberland Household Book*, 28.

paid 299£:19s to servants in 1561, which year it cost him 2895£:6d to run his house;[106] while in the 28th year of Henry 8th, 49£:8s:9d was the quarter's wage paid by the Earl of Rutland to his servants.[107]

Very often too, in looking at the mere money item one has but a part of the story of these bargains between a nobleman and his servants. According to the agreement, when a servant was hired, perhaps a bit of the money he received was swallowed up in some trade material he had to furnish, or, on the other hand, he was allowed so much wages, and so much cloth or clothing. Northumberland's Armourer received four marks a year for taking charge of the earl's "stuff," which included all his armor, and the man was to furnish ". . . al manar of stuf for Clensynge of the said stuf."[108] His arras mender, if he were a groom received 33s:4d a year in wages, and 20s for ". . . fyndyng of al manar of stuf belonging to his facultie except Silk and Golde. . ."[109] Each butcher in this same household receiced 33s:4d a year if he were a yeoman, and if a groom, 20s and was ". . . to be owte of Meit and Drynk and all other charges of the Hous."[110] On October 29, 1481, Lord John Howard's Will of Bakehouse was paid 5s in cash and got in addition two yards and three-quarters of cloth.[111] On January 18th, of the next year, Agnes of the chamber received 5s from Lady Howard, and 6s:8d for her gown — announcing herself as satisfied with these findings of the year's clearing-house.[112] On November 19, 1482, Lord Howard himself delivered to Rose Delroy on her wages "a plyth and a half of lawn" which cost 3s, and another, to Katherine of the Chamber, worth 2s.[113] Thomas the Harper had his lyard (grey) gown in addition to his wages, and on January 9, 1481, 6s:8d was laid out for "2 yerdes of narowe cloth" for that amiable purpose.[114]

Such terms as these were always found right in the agree-

[106] *Stanley Papers*, Pt. 2, 5, 7.
[107] *MSS. of Duke of Rutland*, 4, 286.
[108] *Northumberland Household Book*, 48.
[109] *Ibid.*, 48.
[110] *Ibid.*, 48.
[111] *Howard Household Books*, 125.
[112] *Ibid.*, 343.
[113] *Ibid.*, 319.
[114] *Ibid.*, 149.

ments made with servants when they were hired. On January 17th, 1483, Lord John Howard had a "reckoning" as he always called it, with his Bailiff, in the course of which it was made evident that that servitor had come to him the year before at Candlemass, and had agreed by covenant to serve Howard for 40s a year "for hym and his wyffe, and ther clothyng" — further, this year, Howard had delivered him his "gown cloth" and 6s:8d to his wife for her gown, etc.[115] On March 8th of that same year, Lord Howard was himself, as usual, making out the terms of service with a man, and the bargain was concluded thus: ". . . that he shalbe with my Lord a qrtr, from our Lady day next comenge, for the summa of xiij.s. iiij.d. And so my Lord wull geff hym, affter that qrtr, for a yere lenger, affter the same wages, and a gown."[116]

Once in a while the wages of a servant seem thoughtfully to have been adapted to the circumstances of his case; Northumberland vouchsafes the half apologetic explanation for the 40s a year he paid to each of his footmen, perhaps to protect those folk from envious fellow servitors, that it was ". . . bicause of the moch Werynge of his stuf with labor."[117] Not many cases of such sensible solicitude appear, however.

What official actually attended to the payment of the household wages seems to have depended simply on individual practice. Northumberland's Chamberlain and Treasurer, who in 1512 were respectively Sir John Norton and Gefferay Proctor, stood charged with the important duty that year in his household;[118] they did not, however, pay the quarterly laundry bill which was entrusted to the Clerk of the Kitchen. In 1522 Sir Thomas Lovell's Receivor paid the servants' wages,[119] while in 1561 the same official in the household of Edward, Earl of Derby, handled such moneys in part.[120]

On John Howard's estate at Stoke, that busy lord again and again took upon himself this business. Apparently he did not feel it beneath his duty to take the humblest domestic her hire.

[115] *Howard Household Books* (Collier), 342-343.
[116] *Ibid.*, 362.
[117] *Northumberland Household Book*, 48.
[118] *Northumberland Household Book*, 27-28.
[119] *MSS. of the Duke of Rutland*, 4, 260, Hist. Mss. Com.
[120] *Stanley Papers*, Pt. 2, 5.

On August 22, 1482, he paid Agnes the chamberer 6s:8d for wages.[121] He paid the mole-killer[122] and the bird-taker,[123] or the beer brewer,[124] the baker, butcher[125] — any, in fact, working for him. If it chanced that his lordship were away from home, which was frequently the case, then his lady might assume this work, along with the other responsibilities she was at such times wont to shoulder; nor did it matter to her into what department of the household such a duty carried her. Onee when Howard was in London, she paid 18s to the workmen, who were tile-makers, carpenters, plasterers and pond-makers, together with 3s to one Bakon for thrashing out nine quarters of barley and oats, and other sums to carters, the smith and the broom-maker.[126] It was quite her custom to pay the female help in the household also.[127]

At the end of the 16th century, the Steward, of the officers in the household, was charged with paying the wages of the servants.[128] This may have been a custom long in practice too; thus Lord John Howard's Steward, the man Blyant, frequently paid different men in the household at Stoke, but these were almost always hands in his own department. In September of 1481 he paid mowers.[129] In June of the next year, mowers, and "year men" (men who had contracted for a year's service), while in October of 1481 a little group of gleaners, men and women, engaged in getting in the after-math, or "rowin," were paid by Howard through his Steward.[130] Blyant was quite apt to pay for carting and hauling,[131] for smithy's work,[132], carpenter hire,[133] tilers,[134] and others. Very frequently, however, in

[121] *Howard Household Books* (Collier), 99.
[122] *Ibid.*, 374.
[123] *Ibid.*, 425.
[124] *Ibid.*, 176.
[125] *Ibid.*, 176.
[126] *Ibid.*, 184.
[127] *Ibid.*, 51, 108, 170, 173, 183, 284, 304, etc.
[128] *Breviate, Archaeologia*, XIII, 316.
[129] *Howard Household Books* (Collier), 114.
[130] *Ibid.*, 119.
[131] *Ibid.*, 174, 188 *e.g.*
[132] *Ibid.*, 185.
[133] *Ibid.*, 198.
[134] *Ibid.*, 198 (*vide* also 207, 208, 212, 216, 225-226, 228-229, 290, 299, etc.)

this same household, other men assumed responsibility for paying servants and other hired help, and it is impossible to tell who they were. One such man was called Dalamar,[135] while another was a curious factotum by the name of Skynner,[136] and many times, Giles Seneclow, or his brother Thomas,[137] who largely wrote up the household books, paid the servants off.

In addition to the regular money wages, various of the servants in every household received either certain "fees" as the little perquisites of their offices were called, or their equivalent in money, which sums were likewise known as fees. The list of such possible fees is very interesting. It was strictly, of course, each man after his kind. The Yeomen of the Horse got the discarded saddles and bridles of the Yeomen and Grooms of that department; while the Yeoman Rider had his own played-out equipment. To the Coachman and Waggoner went the old wagons, and the broken wheels of both wagons and coaches which had run their last circuit; the Grooms had the worn-out horse shoes and the stable dung. The fees of the Clerks of the Kitchen were calves' and lambs' heads and skins. When gaming or "play" was allowed in the Hall, the Usher and Groom of the Hall had the privilege of sharing the profit of the "box";[138] in fact two-thirds of its contents went to the Usher, and the remainder to the Groom; the same was done with rewards given in the Hall, "except ther be several givers to them." The Yeoman Usher and Groom of the Great Chamber had similarly for their fees the income of the box when play went on in the big chamber or the dining room, each man receiving half; but the profits of the box in the withdrawing chamber or the galleries went to the grooms of the bed-chambers, a part of whose duties it was "to keepe faire those Roomes." The Yeoman of the cellar had the wine lees and the empty casks; he of the pantry, the bread "chippings."[139] The Yeoman of the ewery got the candle ends and

[135] *Ibid.*, 100, 109, etc.

[136] *Ibid.*, 211, *e.g.*

[137] *Ibid.*, 133, 282, 283, 287, 291, 320, 378, 390, etc.

[138] Could this mean that stakes were so divided, or were there little charges for the right to enter the game?

[139] A technical term, certain bread was "chipped" to prepare it for use. George, Duke of Clarence orders—". . . no loofe [of bread] to be paired, excepte for my lorde and his bourde, all other looves to be chipped . . ." — *Ordinances*, 95.

parings, while in the kitchen a soggy, swill-ripe miscellany of drippings, skimmed fat, broken bones, necks, giblets and feathers of fowls, together with rabbit and cony skins, went, the half of it to the Master Cook, his first assistant being allowed also a proportionate share, while the remainder of the sorry mess was to be divided among the young cooks. The slaughterman could lay claim to the heads of beeves, minus the tongues, and to the sheep's heads and plucks. The baker's fee was the bran which remained after he and the groom had bolted their flour; and finally, the brewers had the "grains and yeast" (that is the malted grain after it had been used in the brewing).[140]

These droll hack-ends were often sold by the servants; Brathwait says: ". . . and they (the yeoman and groom) must sell out none (bread-chippings) vntill they have bene by some of them (the officers) vewed; . . ."[141] and apparently some of the houses directly bought up these vales for home use; thus "fees" formed quite a substantial part of one division of the gross household expenses of Edward, Earl of Derby's establishment, in 1561, where they were figured on a money basis: ". . . In ffees and Wages payd by the Receiv' w^{t} xiij^{li} vj^{s} viij^{d} for his own ffee . . . ^{x}iiij^{x} j^{li} iiij^{s} ij^{d}."[142] In the weekly accounts of his successor, Henry, so many pecks of "chippings" were a regular item, and these together with the "broken beer" fees, the earl, in 1567, forbade both the Yeoman of the Pantry and his butlers to sell; they were reserved for the poor, and at the time of the yearly auditing of the accounts those officers were given 30s each "in lue thereof."[143]

In the household of the 5th Earl of Northumberland this regulation was established: "ITEM My Lorde useth and accustomyth to pay yerly owte of his Lordships Coffures to the Yoman and Grome of his Lordships Pantre Which standith chargede with the saide Pantre for as much Chippings of Trencher-Brede and other Brede of ther Vaillis as doith serve for the fedyinge of my Lords Howndis daily thorow owt the Yere Ande so to be paid unto them for that cause at ij tymes of the Yere Viz. at

[140] Brathwait, for all these facts.
[141] *Ibid.*, 29.
[142] *Stanley Papers*, Pt. 2, 5.
[143] *Ibid.*, 21.

our Lady Day and Michalmas After vjs. viijd. at aither Day in full Contentacion for the hole Yere — xiijs. iiijd."[144]

The whole practice was a foolishly benevolent one, which often must sorely have tugged the strained moral fibre of the poor servants, and now and again a man went down too before such buffetings of the devil. Thus the chief officials in the households had to view the wine lees and the empty casks before the yeomen took them from the cellar. They must keep sharp watch lest the Yeoman and Groom of the Pantry when preparing the bread for use "chopp of great peeces of the bottomes of the loaves, to make the chippings the better;" or lest the Yeoman of the Ewery allow the chandlers to cheat in the weight and quality of their lights so that they in return, "would pleasure him" by making those same lightes "to be longer at the great ends, very neare three fingers breadth of tallow than the cotton or wicke doth reach," which sizable chunk he could cut off and throw in with his parings. The brewers had to be watched to see that they properly stirred the malt when it was in the vat with the liquor "and not to leave the strength to remaine in the graines, being their fees; that such as buy the same of these, putting liquor thereto, may draw good drincke forth thereof." The Yeoman Baker if left to his own devices, was prone laxly to superintend the miller's grinding, for the bran being the former's fee, his temptation to let the miller grind coarse were a dancing one; his evil genius might again play him false when he and the groom were bolting the meal; how easy for them to allow a good portion of flour to remain, thus enriching their bran! In the household of George, Duke of Clarence, a special officer had to be on hand when lard was being made to see to it that no fees were prematurely taken before the household was "sufficiently served, for fryinge, and for the uncture of the chariottes and cartes, as it shall be needefull. . ."[145] So it went with every office.[146] The stable and horse men, if they were at all human and like their fellows of to-day, must have been apt indeed to pronounce early on the decrepitude of their office furnishings, had they to take sly measures to assure their verdict. What

[144] *Northumberland Household Book*, 353.

[145] *Household Ordinances*, 95.

[146] All fees were under supervision in the household of George, Duke of Clarence. See *Royal Household Ordinances*, 95-96.

erring mortal would not have played such tricks if his hosen gave out and quarter day were as far off as it might be in such a crisis!

Finally, still as part of the practical relationship established between a nobleman and his servants, were the prevailing practices of furnishing to servants certain clothing, and allowing them certain food. In some households the sums paid yearly for livery cloth and badges for the servants were large. The 7th Earl of Derby (17th century) advised his son to have all of his servants under the yeomen in livery.[147] Earlier it was customary for all servitors to be thus appareled. In 1469 George, Duke of Clarence, furnished cloth for both long and short gowns to two hundred and ninety-nine servants including "Chambyrlayne, hedde officers, knyghtes, and ladyes," the whole costing him that year 308£:3s:4d.[148] In 1561 Edward Derby's Receiver paid 152£:18s:7d for cloth for this purpose.[149] John Carleton, Receiver in 1522 for Sir Thomas Lovell, laid out that year 42£:12½d to one "Rycherd Marche for xj peces of brode cloth made at Redeng the colour light tawney orenge colour. . ." In the lot were five pieces measuring one hundred and twenty-nine and a half yards, at 3s:4d the yard, five pieces measuring one hundred and thirty-one yards at 3s a yard, and one of five and a quarter yards, at 2s:10d the yard.[150] On May 6th of 1578 livery cloth cost Lord North of Kirtling 23£:3s:8d, while in 1581, he paid 8£:3s:4d for "vij score yardes freese" for the same purpose.

Livery cloth indeed could occasionally prove an annoying and expensive item to a nobleman. In June of 1483, Lord John Howard became Duke of Norfolk, and verily cloth figured large, for some time, at least, in the background of his existence. Before July 19th of that year, livery material, blue, red, tawny — some coarse and some fine, had been purchased in the customary large pieces of twenty-one to twenty-five yards each, from men in Somersetshire, Gloucestershire, and Suffolk, who may have been in London, and also from men who were apparently London drapers (Foster, Porter, Davis, Stoddard, Hartwell, Cappell

147 Second Letter to his son, *Stanley Papers*, Pt. 3, 3, 46.
148 *Royal Household Ordinances*, 105.
149 *Stanley Papers*, Pt. 2, 5.
150 *MSS. of Duke of Rutland*, 4, 262.

and Whight are named). The entire bill for this footed up at 156£:9s:6d. In addition to this cloth, Howard also purchased, on June 2nd, 1483, from one Thomas Coles, a London skinner, enough tawny camlet, black damask, holland, black velvet, tuke russet, tawny damask, black satin, cloth of gold, green satin, plunket camlet, tawny satin, purple velvet, black buckram, "nayle" velvet and white tuke, to leave a handsome debit of 156£:16s:2d upon the merchant's books. These were neat items, but a deal of the cloth, all of the livery, it seems, was broadcloth, for the "barbing," "shearing" and "sewing" of which, other costs, from 4d up to 3£:12s, had to be paid. All told, to fit out the household in new attire for so impressive but withal festive an event, was an expensive luxury of which his lordship must have been quite aware.

Howard and his wife paid on these cloth bills from time to time. On July 16th the duchess paid forty marks to two different men "in part payment for cloth for the livery," while on August 10th the duke himself had a reckoning with the man Davis, mentioned above, when it was discovered that his Grace was owing the merchant 16£ to date for cloth; Howard thereupon paid Davis half the sum and agreed to pay the balance "at Bartelmew tyde nexst folewyng." He was as good as his word too — a later hand having entered upon his books: "Hit ye al payde, as hit a perith after wards."

What with the cloth, however, and other expenses attendant on his entrance to his dukedom, such as paying for his letters patent, with their seal fee, having the goldsmith properly furbish up his sword, and repair his "garter" along with other work, having new arras worked with the crest, lions, "Dytyng and dressyng his swerd at his creacion," joiner's fees for tipped staves, engraving his new signet, and little grace sums like that paid to the clerk of the duchy, the new duke was quite pressed, if not seriously, at least for ready money. He paid for only a part of his cloth, nor could he pay entirely for his tipped staves, giving the joiners but 40s, and in addition he got Thomas Coles to go surety for him to a "Lombard" for 88£:6s:2d. The Lombard, according to Howard's signetted bill of July 20, 1483, was one Alysandir Portenary, merchant of Florence, and was perhaps the same Italian from whom Howard had at another time

58£ — likewise through the agency of Coles, who must have been a reliable man. Both the loans were duly paid upon September 13th, for the clerk entered on that date, "which sum ys paid up and content, and so ys both Jhon Colle [he must have meant Thomas] and the bill scansellyd and my Lord payd the money."[151]

All this was extra expense so that the household might be all spick and span, à la mode, for the "creation"; but Lord John Howard, like all of the nobles, had always paid regularly for clothing and shoes, as well as for mending hosen and clouting worn foot-wear for many of his servants; particularly were the children of the chapel, those in the kitchen, the stable men and boys and Richard the Fool thus looked after, and the payments of such items were generally intrusted to the man called Skinner whom we noted earlier: Thus on October 13, 1481, "My Lord payd Skynner that he leyd owte for a peyre of choys to the lad of the ketchyn Campbell vjd, . . ."[152] or a fuller bill of July 11th, when he paid 8d for a "scherte to Jonge of the Kechin;" 2d for "mendyng of Robyn of the stabell his hossyn;" 6d for a "peyer of schoys to Mond of the bake howse;" and 5d for a "peyer of schoys for George of the Kechyn."

It was the practice with the Earl of Surrey, Lord Howard's son, to have regular settlements of accounts for such items as these, with different craftsmen — tailors, shoemakers and others. "M^{d}. A reconyng mad with Jakson, the tayllor, (Jan. 5th-6th Henry 7th) and then he reconyd for the makyng of vij tany gowyns for the chyldreen of the chapell, takyng for the pese makyng vjd. Item, for ij gowyns for the henchemen xij.d.; and for the makyng of a gowyn for Jak the chambur vj.d. and for the makyng of a dowbelett, and a peyer of hosyn lyned, for Holcote, xviij.d.; and for the makyng of ij. cotes to Richart, Robyn and John Feney xij.d. Item, for v. yardes of whyte lyneng to the sayd dowbelett cotes ij.s j.d. Item for a yard of whyt fryse to make a qrtr to Alderson gown vj.d. Item, for dyeng of the lyneng for the henchemens gownys, and Jak of the chambers viij.d. Item, for the makyng of a dowbelett to Magnus chyld of the brewhowse x.d; and for hys hosyn makyng iiij.d. Item, for

[151] *Howard Household Books* (Collier), 406-443.

[152] *Ibid.*, 117, 215. Further instances, 31, 49, 117, 148-149, 164, 167, etc.

the same Magnus a whyt cote and a payre sloppes, makyng viij.d."[153] One of the reckonings for shoes is interesting: "M^d. Reconyd with Wyllyam Palmer, the v. day of Januare anno vj^te H. vij^mi; and that day he reconyd from the fest of Saynt Michell, anno vj^to H. vij^mi, unto the fest of Crystmas then next folyyng the same, for all such shoys as [he] hath delyvered: fyrst to the chylderyn of the chapell by the sayd space xxvp. payre of shewys, takyng for the payre iiij.d. Item, to Magnus chyld of the brewhows, iij. payre shewis, price xviij.d. Item, for Lobb j. payre shewis, price vj.d.: in toto xiiij.s."[154]

Probably livery cloth was furnished to their servants by the nobles largely as a matter of pride, and also in self defense. In cases where inferior servants and children were quite at a nobleman's "finding," protective measures also worked additional expenses. In the Bertie household 6.d. was paid in January of 1562 "For a payre syssers to poll the boyes of the kychen"![155] The tousled head of a kitchen-boy! What a nursery for "crawlin' ferlies"! No wonder they polled them!

So far as the food is concerned which servants received from their noble masters, it has already been pointed out that the chief officers in the households sat at the first table in the Hall, and were served with about the same food as the noble master and his family enjoyed; many of the humbler servants, of course, dined later than their superiors, and had plainer food, except in so far as they might share in the provision of the upper tables by what was known as the "reversion." That, however, brings up the whole question of the dining service, which is interesting enough for a separate study.

In conclusion, there is little of the novel or strange, after all, in these relationships between the nobles and their servants. The aristocratic class appears to have been very human, and many in it loved their "household men." Even the 9th Earl of Northumberland, whose experiences with his servitors began so inauspiciously, wrote long afterward — "And this I must truely testify for servants out of experience, that in all my fortunes good and badde, I have found them more reasonable than ether

[153] *Howard Household Books* (Collier), 518.
[154] *Ibid.*, 518.
[155] *Grimsthorpe House Papers*, 469.

wyfe, brothers or friends . . .''[156] — a strong but pathetic eulogium! Further, Stow in his annals records Edward, Earl of Derby's ''joyful parting the World; his taking leave of all his servants by shaking of hands; and his Rememberance to the last''[157] — than which there could not be a more touching and worthy memorial!

It was surely this grateful esteem, in part, which called an entire household also, family and servants, to participate in the last offices in honor of a defunct nobleman, a common bond of sympathy in suffering drawing all together. A contemporary account of ''The Solemn funeral of Francis Talbot, Earl of Shrewsbury'' which took place on October 21st, 1560, describes fully ''the manner of the proceeding to the church with the corps. . .'' In the long procession, among many others, were the choir, the Gentlemen of the household, all the Chaplains of the deceased, the principal officers, the Officers of Arms and all the Yeomen of the household. Certain of the Gentlemen and officers shared in part of the services too, including the offering, and finally, when the body was placed in the tomb, ''then the officers of the household and the gentlemen ushers, with the porter, broke their staves[i.e. their white staves, symbols of their offices] and soe departed to the Castle.''[158]

The nobles treated their waged hands as many people handle their servants to-day, and where a curious practice at first strikes us as odd or strange, there is sure to go with it a human nature, our very own under the circumstances, which bridges across the wide lapse of time, and makes as feel at home in those old days in so uncanny a fashion that the somber words of that pessimistic Scotchman, James Thompson, appal us with their dreary truth:

> The cards are shuffled to and fro,
> The hands may very somewhat so;
> The dirty pack's the same we know,
> Played with long thousand years ago;
> Played with and lost with still by man,
> Fate marked them ere the game began.
> — *Vane's Story.*

[156] Advice to his son, *Archaeologia*, XXVII.
[157] Stow, *Fol. Edit.*, 448.
[158] Peck, *Desiderata Curiosa*, 254 *et seq.*

CHAPTER III

THE FOOD OF THE NOBILITY

"Thingis wilom vsed ben now leyd a syde
And newe feetis dayly ben contreuide
Mennys actes can in no plyte abyde
They be changeable ande ofte meuide
Thingis somtyme alowed is now repreuid
And after this shal thinges vp aryse
That men set now but at lytyl pryse"
— Caxton: *Book of Curtesye* — E. E. T. S., p. 45.

The presumptuous motto, "Tell me what you eat and I'll tell you what you are," boldly trumpeted by certain present day exponents of a farinaceous diet would but ill suit as a plummet to fathom a Tudor noble's character. Withal, however, it is instructive, if it but awakens fond dreamers on "the good old times" to discover by what means our lusty aristocracy, in days long gone, kept body and soul together.

The sixteenth century English were great consumers of food. Contemporary foreign comment on the national propensity to feed hugely was frequent. Van Meteren, the Antwerp merchant, diplomat and historian, resident in England during the entire reign of Elizabeth, characterizes the people as ". . . eloquent and very hospitable; they feed well and delicately, and eat a great deal of meat; and as the Germans pass the bounds of sobriety in drinking, these do the same in eating, for which the fertility of the country affords them sufficient means, . . ."[1] Nicander Nucius, who traveled in England during 1545 and 1546, recorded in his notebook: "The race of men indeed is fair, inclining to a light color, . . ." He then goes on to describe the English as "flesh eaters, and insatiable of animal food; sottish and unrestrained in their appetites; . . ."[2]

[1] Van Meteren, *History of the Netherlands*, cited in Rye, *England as Seen by Foreigners*, 70.

[2] *Travels of Nicander Nucius*, 16. Camden Society, London, 1841.

In addition to this rather caustic criticism from sojourners in their country, a carefully informed native like the historian Harrison asserts that the tables of his countrymen were often more plentifully laden than those of other nations, and scientifically apologizes for this worship of King Belly by his fellow men in this wise: "The situation of our region, lieng neere vnto the north, dooth cause the heate of our stomaches to be of somewhat greater force: therefore our bodies doo craue a little more ample nourishment, than the inhabitants of hotter regions are accustomed withall, whose digestiue force is not altogither so

There are still other well known comments like the above; the German jurist, Paul Hentzner, who traveled in England in 1598, says of the English people, "They are more polite in eating than the French, consuming less bread but more meat, which they roast to perfection." Paul Hentzner's *Travels in England*, cited in Rye, *op. cit.*, 110.

The Dutch physician and ecclesiastic, Levinus Lemnius, traveling in England in 1581, writes in a more appreciative vein; speaking first of the "incredible curtesie and frendlines in speache and affability used in this famous realme," and delightfully chronicling "the neate cleanlines, the exquisite finenesse, the pleasaunte and delightfull furniture in every poynt for household," he then continues: "And this do I thinck to be the cause that Englishmen, lyving by such holesome and exquisite meate, and in so holesome and healthful ayre be so freshe and cleane coloured: . . . At their tables althoughe they be very sumptuous, and love to have good fare, yet neyther use they to overcharge themselves with excesse of drincke, neyther thereto greatly provoke and urge others, but suffer every man to drincke in such measure as best pleaseth hymselfe, whych drinck being eyther Ale or Beere, most pleasaunte in tast and holesomely relised, they fetch not from foreine places, but have it amonge themselves brewed." *Notes on England, 1560*, by Levinus Lemnius, cited in Rye, *op. cit.*, 78-79.

Finally a Venetian, probably a nobleman, who accompanied an ambassador from the Republic to England about the year 1500, touched this point in his report made to the Senate on his return home. "They (the English) take great pleasure in having a quantity of excellent victuals, and also in remaining a long time at table, being very sparing of wine when they drink it at their own expense. . . The deficiency of wine, however, is amply supplied by the abundance of ale and beer, to the use of which these people are become so habituated, that, at an entertainment where there is plenty of wine, they will drink them in preference to it, and in great quantities." And once again, "Besides which the English being great epicures, and very avaricious by nature, indulge in the most delicate fare themselves, and give their household the coarsest bread, and beer, and cold meat baked on Sunday for the week, which, however, they allow them in great abundance." *A Relation, or Rather a True Account of the Island of England* (etc.), Camden Society, 1847, 21, 25.

vehement, bicause their internall heat is not so strong as ours, which is kept in by the coldnesse of the aire, that from time to time (speciallie in winter) dooth enuiron our bodies."[3] This is a naïve declaration and as true as the latest diatetic "discovery" vouchsafed to a gullible public through the columns of a twentieth century medical journal; it stands, however, as grave evidence from a studious observer, of the fact that the English were "pamperers of their carcasses" beyond the wont of the rest of the world. All of these men were speaking of the English people as a whole, but especially do their assertions characterize the practices of the nobility in this respect. That class led the nation in cherishing a love of good cheer.

A whimsical dictate of that perfect lady, Clio, has preserved for us a curious document of the early 17th century[4] which contains a veritable treasure trove of information about the management of a nobleman's house. One part of it is a detailed list of seasonable food available for a lordly establishment, all neatly tabulated item by item, under the general caption "a Monthlie Table, with a Diatorie belonginge thereunto, of all such provisions as bee in seasone through the whole yeare." Commencing with January, and following along with each month of the twelve, the so-called "grosse" or staple articles of food are first noted for each month; thereafter come tables of the "Foules" and "Fische" which "bee nowe in seasone" likewise for each month, together with a suitable "diatree" for dinner and supper, the little treatise concluding with grand or summary tables of necessary provisions for the whole year.

A study of this list leaves one with the impression that the eager purveyors to the tables of the English aristocracy went over their christendom with a drag net. There was scarcely a living creature which habited the air, the dry land, or the waters under the earth, whose right to exist was not sounded by these zealous officials.

Among the winged kind, full sixty-three birds were eaten. Of these, in addition to the common barn-yard fowls, were several such as quail, pigeons, grouse and partridge, also well known to-

[3] Harrison's *Description of England*, Holinshed's *Chronicles*, 1, 278, London, 1807.

[4] "A Breviate Touching the Order and Government of a Nobleman's House," etc., *Archaeologia*, XIII, 315 *et seq.*

day, and still highly valued for their delicate flesh. Further, many of the water fowls which frequented either the fresh streams and lakes or the sea lands, including teals, shovelers, stints, godwits, diddapers, bitters (bitterns), aukes, rails, barnacles, puffins, widgeons, terns and others, are likewise yet known to some folks as food. On the other hand, a few, like "kennices," "bayninge," and "blonkett," it is hard, if not impossible, to identify. Perhaps they are in England extinct birds, along with the crane, egret, and brewe, which latter, however, are recognizable.

Bishop Percy, commenting on this sort of food which was largely eaten by the Earl of Northumberland's household, says: "In the List of Birds here served up to Table, are many Fowls which are now (late 18th century) discarded as little better than rank Carrion."[5] We agree by instinct with that learned man, our stomachs rebelling at the thought of banquetting on fish-eating sea gulls and cranes or the unspeakable bustard species, until we read old Mussett's[6] recipes for preparing some of these outlandish creatures for food. In able fashion he either puts each bird through a refining novitiate, or so subtly be-sauces and be-spices him, that before we are aware, our mouths are a-hunger after the flesh pots of the earl's kitchen, while in a dyspeptic bewilderment we wonder what this culinary magician might have done with Lazarus!

Here follows his procedure with an unseemly trilogy — the stork, bitter, and heron — "To render . . . (them) . . . fit to be eaten." One is to select the youngest and fattest, and after having first removed the skins according to the French fashion which makes them relish far better, the flesh is then to be well seasoned with much spice, salt, or onion, then thoroughly steeped in a draught of old wine, when it is to be stuffed full of sweet herbs and drawn with fine and small lard.[7]

The evil bustard, upon whose carrion flesh all of the nobility were wont at times to regale themselves, is to that purpose transformed into "a dainty and wholesome meat" either through dieting for a day or two on white bread, or preferably, by " . . .

[5] *Northumberland Household Book*, Notes, 425.

[6] A contemporary dietitian.

[7] Mussett, *Treatise on Food*, London, 1655. Quoted in *Archaeologia*, XIII, in notes to the "Breviate."

keeping him altogether fasting, that he may scour away his ordure; . . ." when, after bleeding him to death in the neck veins, and mellowing him by hanging him for three or four days in a cool place, "out of the moon-shine," he is fit to be baked or roasted! The crane, "bred in our English fens," being young, killed with a goshawk, hanged two or three days "by the heels," eaten with hot gelentine[8] and "drowned in sack" is permitted unto indifferent stomachs.

This is heroic, for Mussett's fellow citizens knew, of course, as well as did Bishop Percy, that many of these birds were unclean in their native state; one Lawrens Andrewe, for example, wrote of these two very fowls as follows:

"The Bistarda is a birde as great as an egle, of the maner of an egel, and of suche colour, saue in the winges & in the tayle it hath some white feders; he hath a crooked byll, & longe talants. and it is slowe of flight & whan he is on the grownde, than must he ryse. iij. or iiij. tymes or he can come to any fulle flight, he taketh his mete on the erth; for v.or.vi. of them togeder be so bold that they festen on a shepe & tere hym a-sonder & so ete the flesshe of him & this birde dothe ete also of dede bestes & stinkyn caryon, and it eteth also grasse & grene erbes & it layeth his eggis vpon the grounde, & bredeth them out the while that the corne groweth on the felde."

"The flesshe of him (*i.e.*, the crane) is grosse, & not good to disiest & it maketh malancolious blode . . ." etc.[9]

Our gastronomic genius, however, with subjective vehemence utterly rejects the puffin, yet with an adroit assertion of the truth in the old proverb "de gustibus." He declares that "Puffins being Birds and no Birds, that is to say Birds in show and Fish in substance, or, as one may justly call them, feathered

[8] A kind of sauce. "PIKE IN GALENTYNE. Take a pike and seth him ynowe in gode sauce; And then couche him in a vessell, that he may be y-carried yn, if thou wilt; And what tyme he is colde, take brede, and stepe hit in wyne and vinegre, and cast there-to canell, and drawe hit thorgh a streynour, And do hit in a potte, And cast there-to to pouder peper; And take smale oynons, and myce hem, And fry hem in oyle, and cast there-to a fewe saunders, (Sandal) and lete boyle awhile; And cast all this hote vppon the pike, and cary him forth." — *Two 15th Century Cookery-Books*, 101.

[9] Quoted by Furnivall in Part 2 of *Manners and Meals in Olden Times*, 218-219, from "The noble lyfe and natures of man," by Lawrens Andrewe.

Fishes, are of ill taste and worse digestion how dainty soever they may seem to strange appetites, and are permitted by Popes to be eaten in Lent." [10]

If such a wry face as this, together with these introductory "renderings fit to eat" by subsequent drownings in this or that scented bath of oblivion, make us eerie of comestible virtues at best but doubtful, the outburst of Epicurean enthusiasm which such birds as the godwit inspired, leaves little room for suspicion in regard to their acceptance as wholesome food. Mussett, who proves a thorough aristocrat, tells us that "a fat godwite is so fine and light a meat, that noblemen, (yea and merchants too, by your leave) stick not to buy them at four nobles a dozen." [11]

In fact, many of these birds which found their way to the tables of the nobility were rare delicacies. Harrison, after enumerating a goodly number known in his England, says that there were ". . . diuerse other, whose names to me are vtterlie vnknowne, and much more the taste of their flesh, wherewith I was neuer acquainted." [12]

The water creatures of the rivers and deeps were yet more generously drawn upon for food by the nobles. The sorts of fish eaten, fresh and salt, together with crabs, bivalves, and so on, count some seventy-two. Here, again, while we discover many well known sea-foods, including herring, mackerel, salmon, sturgeon, ling, haberdine, trout, perch, lobsters, sprats, and oysters, there are other present-day "zoo" oddities, like seals and porpoises, commonly enumerated along with the rest of their amphibious ilk, so that, as in the case of the birds, one is compelled to believe that almost anything which might be caught was sampled for food. Porpoise was commonly enough eaten, however, so that Skelton's line in his curious piece, "Speke, Parrot,"

With Porpose and Graundepose may he fede hym fatte,[13]

probably expressed a possible treat within the easy reach of many.

But fads in food were as rife then as to-day. Mussett says of

[10] *Op. cit., Archaeologia,* XIII.
[11] *Op. cit., Archaeologia,* XIII.
[12] Harrison, *Description of England,* Holinshed, 1, 374.
[13] Skelton's *Poems,* Dyce, 2, 261 *et seq.*

this very sea-hog: "It is an unsavory meat, engendering many superfluous humors, augmenting phleagm, and troubling no less an indifferent stomach, then they trouble the waters against a tempest: yet many ladies and gentlemen love it exceedingly, bakd like venison: yea I know a great gentlewoman in Warwick Lane once send for a pasty of it, given from a courtier when the prisoners of Newgate had refused the Fellow of it out of a beggars basket. Thus *like lips like lettice*, and that which is most men's bane may be fittest to delight and nourish others."[14] He dismisses seal's flesh with disdain, as fit only for the stomachs of mariners and sailors, who also knew the best way to prepare it. With eloquence, though, does he proclaim the crevice (cray-fish) "a fine temperate and nourishing meat, which the English do foolishly . . . to eat . . . last."[15]

What a jewel Mussett would have been to pinnacle the greasy diadem of a Chicago packer! But we are duly thankful for that beneficent hand which places such men where their providential rôles are most widely effective. To think of an English earl and his lady, dressed as the Tudor nobility alone in that day could apparel themselves, trumpeted in magnificent state to a board on which a delicate entry of baked crane or bustard would appear! . . . But what if unskilful hands had served up the unregenerate carrion off the wing!

No hard Hebraic Law limited the heavier meats to such as came from cud-chewing, hoof-splitting beasts, so that in the "grosse provision" as it was called, pig, pork, bacon, and the peculiarly English brawn[16] stood cheek by jowl with the more

[14] Mussett, *op. cit.*, *Archaeologia*, XIII.

[15] Mussett, *op. cit.*, *Archaeologia*, XIII.

[16] Harrison, in his *Description of England*, explains what brawn was in the following pleasant narrative:

"Of our tame bores we make brawne, which is a kind of meat not vsuallie knowne to strangers (as I take it) otherwise would not the swart Rutters and French cookes, at the losse of Calis (where they found great store of this prouision in almost euerie house) haue attempted with ridiculous successe to rost, bake, broile, & frie the same for their masters, till they were better informed. I haue heard moreouer, how a noble man of England, not long since, did send ouer an hogshead of brawne readie sowsed to a catholike gentleman of France, who supposing it to be fish, reserued it till Lent, at which time he did eat thereof with verie great frugalitie. Thereto he so well liked of the prouision it selfe, that he wrote ouer verie

dignified beef, veal, mutton, lamb, hind, roe, doe, goat, and kid which laded the tables in abundance. Rabbit or cony, and hare, constantly eaten, were, of course, noted.

The staple grains were wheat, rye and oats. Classed with these is the all-important malt. This conspicuous mention of the manufactured product perhaps accounts for the neglect of its progenitor. Old barley-corn, no puny in these, the hey-days of the beer barrel, is not named.

"Spice," as then understood, was a blanket term, which with its generous inclusiveness, would appal even a German housewife of today, at the same time relegating her tin can categories to a dusty back shelf. Thus the "necessary spice for the kitchen" comprised the following: sugar, nutmegs, pepper,

earnestlie with offer of great recompense for more of the same fish against the yeare insuing: whereas if he had knowne it to haue been flesh, he would not haue touched it (I dare saie) for a thousand crownes without the popes dispensation. A freend of mine also dwelling sometime in Spaine, hauing certaine Iewes at his table, did set brawne before them, whereof they did eat verie earnestlie, supposing it to be a kind of fish not common in those parties: but when the goodman of the house brought in the head in pastime among them, to shew what they had eaten, they rose from the table, hied them home in hast, ech of them procuring himselfe to vomit, some by oile, and some by other meanes, till (as they supposed) they had clensed their stomachs of that prohibited food. With vs it is accounted a great peece of seruice at the table, from Nouember vntill Februarie be ended; but cheeflie in the Christmasse time. With the same we also begin our dinners ech daie after other: and because it is somewhat hard of digestion, a draught of maluesie, bastard, or muscalell, is vsuallie droonke after it, where either of them are conuenientlie to be had: . . . It is made commonlie of the fore part of a tame bore, set vp for the purpose by the space of a whole yere or two, especiallie in gentlemen's houses . . . in which time he is dieted with otes and peason, and lodged on the bare planks of an vneasie coat (pen) till his fat he hardened sufficientlie for their purpose: afterward he is killed, scalded, and cut out, and then of his former parts is our brawne made, . . . The necke peeces being cut off round, are called collars of brawne . . . ech peece is wrapped vp, either with bulrushes, ozier peeles, tape, inkle, or such like, and then sodden in a lead or caldron togither, till they be so tender that a man may thrust a brused rush or soft straw cleane through the fat: which being doone, they take it vp, and laie it abroad to coole: afterward putting it into close vessels, they powre either good small ale or beere mingled with veriuice and salt thereto till it be couered, and so let it lie (now and then altering and changing the sowsing drinke lest it should wax sowre) till occasion serue to spend it out of the waie." — Harrison, *op. cit.*, Holinshed, I, 373-374.

prunes, dates, cinnamon, saffron,[17] raisins, isinglass,[18] ginger, mace, "saunders,"[19] currants and "turnsaile."[20] Salt and hops are classed separately along with starch and soap.

In addition to beer and ale, claret, white, Rhenish, sack and muscadel wines offered quite a variety in beverages. The variety was really far greater here than it would at first appear, too, since Harrison asserts that "Claret, White, Red, French, (wines) . . . amount to about fifty-six sorts, according to the number of regions whence they come." In addition to these which were certainly the commonest wines in use, Harrison also mentions "thirtie kinds of Italian, Grecian, Spanish, Canarian, etc.," drunk by the English, and specifically notes of these "Veruage, Cate pument, Raspis, Muscadell, Romnie, Bastard Tire, Oseie, Caprike, Clareie, and Malmeseie," as "not least of all accompted of, bicause of their strength and valure."[21]

Thus far we have a generous, but one-sided larder. It is rounded out, however, by green truck items, and fruits of current value, jotted down together with such an odd assortment of delectables running the veriest gormand's gamut, that as one contemplates the list, he is utterly at a loss to determine the probable norm in the mind of the unknown compiler. The tabulation as it stands were fit stock for a yet more juicy "Dissertation" by the hand of our gentlest humorist! Its sober, matter-of-course label alone tells quite a story — "A generall table of necessarie provisions for the whole yeare."

Most of the vegetables then used, like radishes, cauliflower, potatoes, cabbage, cucumbers, lettuce, carrots, spinach, and artichokes, are found in all well ordered gardens of today. Beans and peas, though commonly known, were not noted. The "skerett," however, which Harrison also writes about, a carrot-like root, is no longer cultivated in England,[22] while "navews," a variety of turnip, are at present raised for sheep feed and

[17] The Crocus Sativus, much used in cookery and as medicine.

[18] Gelatine, called isinglass from its mica-like appearance.

[19] "This fragrant wood, brought from the East Indies, was principally used for colouring the confections red. . ." Bishop Percy's note in *Northumberland Household Book*, 415.

[20] Another herb, used for coloring confections and jellies.

[21] Harrison, *Description of England*, Holinshed, 1, 281.

[22] *Ibid.*, Camelot Series, 25, note by R. C. A. Prior.

Colza oil.[23] Purslane, the Portulaca Domestica, according to Gerrard's *Herbal* (p. 521, ed. 1633), was then esteemed, as well for its medicinal properties, as for its edible virtues. Either raw or boiled it was made into a salad. Cress was also, as it is still, used in the same way.

The fruits named were few. Pears, distinguished from wardens, a large baking variety, apples, oranges, lemons and melons being listed. Many more were known. Harrison speaks of peaches and apricots, while with a firm conviction in the fitness of God's handiwork, he tells about the annual fruits, strange herbs, and plants ". . . dailie brought vnto vs from the Indies, Americans, Taprobane, Canarie Iles, and all parts of the world: the which albeit that in respect of the constitutions of our bodies they doo not grow for vs, bicause that God hath bestowed sufficient commodities vpon euerie countrie for hir owne necessitie; yet for delectation sake vnto the eie, and their odoriferous sauours vnto the nose, they are to be cherished, and God to be glorified also in them, bicause they are his good gifts, and created to doo man helpe and seruice."[24]

In addition to the vegetables, fruits, and the products of the dairy along with eggs, many highly flavored articles of food were eaten. Vinegar and verjuice, a tart liquor used like vinegar, made from crushed crab apples; eringoes, the candied root of another plant found on the sea shore; olives, citron, caviar, anchovies, capers and barberries being the most important. With these also, samphire is mentioned, a plant whose young leaves were pickled. Gerard describes several varieties of this samphire, one of which grew in the rocky cliffs at Dover and in other like places along the sea shore. Shakespeare had probably watched the daring purveyors of this delicacy at work, and the experience enabled him to picture vividly that sad scene in Lear where Edgar is leading his blinded father Gloster, as the latter supposes, to the brink of those very Dover cliffs that he may throw himself off. The young man carrying out his feint, says to his father:

> Come on, sir; here's the place: — stand still. — How fearful
> And dizzy 'tis to cast one's eye so low!

[23] Harrison, *Description of England*, Camelot Edition, 26, note by R. C. A. Prior.

[24] Harrison, *op. cit.*, Holinshed, 1, 351.

> The crows and Coughs that wing the midway air
> Show scarce so gross as beetles: half way down
> Hangs one that gathers samphire, — dreadful trade!
> Methinks he seems no bigger than his head:

Herbs were set down simply as herbs. It is well they were, for Harrison informs us that in his time some three or four hundred were in use; in fact he says that he himself had seen that many in a single garden, perhaps a half of which number had been known not a generation, while so lively was the interest in these annuals because of their medicinal value, this great list was growing steadily.[25]

Finally various meat products were relished. Sausages, "andulees," which are baldly described by a contemporary as puddings made of hog's guts filled with spice, one gut drawn after another,[26] calf's mugget, like the former, except that it was the veal's entrails made into a pie, neat's tongue in three states — "green," dried, and soused, the heads and plucks of calves, lambs, and kids, and soused tripe — these are capital examples.

From such a rich store what dainty menus must have been fashioned under the expert supervision of groups of those "musical headed" French cooks Harrison tells about! It is to be observed, however, that while this food was in general characteristic of the stock provision widely consumed by the nobility, this list was constructed, as we have remarked before, in the early 17th century. The 5th Earl of Northumberland, living nearly one hundred years before that time, could not, therefore, have had potatoes on his bill of fare, whereas the 9th Earl of the same house may well have relished that later staple tuber — so wide awake were the purveyors.

Further, the French fads in cookery so rife in Harrison's day, seemed, at a later date, to Braithwait's Puritanic sense the degenerate mark of a wanton departure from the hardy simplicity of the sturdy English in an earlier and less sophisticated age. His querulous diatribe, if long, is instructive. "In ancient time," says he, vaguely enough, "noble men contented themselves to be served with such as had bene bred in ther owne houses; but of later times, none could please some, except Italians and Frenchmen, or, at the least, brought up in the court, or vnder

[25] Harrison, *op. cit.*, Holinshed, I, 351.

[26] *Archaeologia*, XIII, 388.

London cookes: nor would the old manner of baking, boyling, or roasting please them, but the boyled meates must be after the French fashion, the dishes garnished about with sugar, and preserved plummes, the meates covered over with Orangade, preserved Lemons, and with divers other preserved and conserved stuffe fetched from the Confectionaries; more honie and sugar spent in boyling fish to serve at one meale, than might well serve the whole expence for the house in a day. The baked meates must be set out with armes and crestes, flourished and gilded, more fitt for monuments in churches, wher they might have continuance, than to be set vpon tables wher they are little sooner seene then consumed. The roast meates, without their sundry kindes of new devised sawces little esteemed of, they must have most kindes, not onely of flesh, but also of fish colde and sowced; all of theese being more delightful to the sight and pleasing to the tast, then needefull or holesome to the stomacke and body. And I doe truly affirme, that I have seene all the kinds of meates here set downe served most abundantly, and yet some of the guestes could not be satisfied therwith, but ther must presently be provided for them Sowes cheekes, Salt tongues, pickled and redd hearings, Spratts, Anchoves, Bolonia Sausages, Potato rootes, and sundry other such kinde of meates; all to provoke them to drinke store of strong wines, thereby to procure lust, and decay naturall strength. . ."[27]

The cantankerous Stubbes, too, set out to fall athwart English shortcomings in general, naturally digresses on this gluttony — "Godly hospitalitie," says he, "is a thing in no wise worthy of reprehension, but rather of great commendation; for many haue receiued Angels into their houses, at vnawares, by vsing the same, as Abraham, Lot, Tobias, & many others. Yet if hospitality flow ouer into superfluitie and riotous excesse, it is not tolerable: for now adaies, if the table be not couered from one end to the other, as thick as one dish can stand by another, with delicat meats of sundry sorts, one cleane different from an other, and to euery dish a seuerall sawce appropriat to his kinde, it is thought there unworthye the name of a dinner. Yea, so many dishes shal you haue pesteruing the table at once, as the insciablest Helluo, the deurouringest glutton, or the greediest cormorant that is, can scarce eat of euery one a litle. And these

[27] Brathwait, *Household of an Earle*, 31-32.

many shall you haue at the first course; as many at the second; and, peraduenture, moe at the third; besydes other sweet condyments, and delicat confections of spiceries, and I cannot tell what. And to these dainties, all kind of wynes are not wanting you may be sure."[28]

With this we conclude, and if we have had vainly to long for an hour's use of the magic pen of Dickens or Gissing, at least we have had the pale satisfaction of noting a short vision of our own philosopher-poet. When Thoreau declared that many a man should rather have described for us his dinner who imposes on us with a history of the Grand Khan, he surely saw not beyond the tiny confines of one of his own bean skins — or was this ascetic sarcasm a joke!

[28] *Anatomy of Abuses*, New Shakespeare Society, Part I, 102-103.

CHAPTER IV

SUPPLY PURVEYANCE IN THE HANDS OF NOBLEMEN

Thus having attained a regall Dignity to commaunde all, which continued as aforesaid, where no other Captains authority endured but one year: he ever kept himself upright from bribes and money, though otherwise he was no ill husband, and could warily looke to his own. As for his Lands and Goods left him by his Parents, that they miscarried not by negligence, nor that they should trouble him much, in busying himself to reduce them to a value; he did so husband them, as he thought was his best and easiest way. For he sold in gross ever the whole years profit and commodity of his lands, and afterward sent to the market dayly to buy the cates, and other ordinary provision of houshould. This dyd not like his Sones that were men grown, neither were his women contented with it, who would have had him more liberal in his house; for they complained of his overhard and straight ordinary, because in so noble and great an house as his, there was never any great remain left of meat, but all things received into the house, ran under account, and were delivered out by proportion. All this good husbandry of his was kept upright in this good order, by one Evangelus, Steward of his house, a man very honest and skilfull in all his household provision; and whether Pericles had brought him up to it, or that he had it by nature, it was not known.[1]

— Plutarch's *Pericles* (North's Translation).

During the week of 1587 ending July 10th, the great household of Henry, Earl of Derby, consumed the following food: two hundred and forty bushels of wheat, twenty-one hogsheads of beer, two oxen, fourteen veal calves, seventeen sheep, seven lambs, three ling and twenty haberdine. Fresh fish cost 18s, while £8: 4s: 8d was spent for special food including butter and cheese.[2]

Selected at random, this provision was in amount somewhat above the average weekly expenditure of food, which from July

[1] I have prefaced this chapter with the quotation from North's famous translation of Plutarch because it is in the perfect spirit and phrase of contemporary household accounts.

[2] *Stanley Papers*, Pt. 2, 30.

to December of 1586 approximated one hundred and twelve bushels of wheat, eight and three-quarter hogsheads of beer, three-quarters of an ox or cow, nine muttons, and so on proportionally, per week.[3] Such were the characteristic quantities of bulk food-stuffs commonly used by a typical noble household.[4]

An expenditure similar to this guaranteed the cheerful hospitality always freely extended by the nobility to guests, were such visitors friends or strangers. The entertainment of a notable individual, however, or preëminently of the sovereign, entailed a prodigal outlay of food. In 1577 the Right Honorable Lord North entertained his Sovereign Lady, Queen Elizabeth, at Kirtling. Her Majesty arrived on Monday, September the 1st, in time for supper, and remained until after dinner on Wednesday of the same week. Judging by the good cheer dispensed, it was fortunate for the generous peer that his mighty visitor did not remain longer beneath his roof, or a miracle alone must have preserved him from famine. During those memorable two days twelve hundred cast of manchets and thirty-six hundred cast of cheat-bread, made at Kirtling, together with twenty-three dozen loaves of white and cheat-bread bought up,[5] were eaten, while it required seventy-four hogsheads of beer, two tuns of ale, six hogsheads of claret wine, one of white wine, one rundlet or twenty gallons of sack and six gallons of Hippocras to slaken the thirst of Royalty. Twelve steers and oxen, sixty-seven sheep, seven lambs, eighteen veal calves and thirty-four pigs were slaughtered, while the meat of four stags and sixteen bucks, baked up into two hundred and seventy-six pasties, which further required three pounds worth of wheat and rye flour — eight gammons of bacon, and two hundred and twenty neat's tongues, feet and udders, supplied the more delicate flesh fare.

For these festivities feathered creation suffered an appalling depletion: thirty-two geese, three hundred and sixty-three capons, ninety-nine and one-half dozen chickens, two hundred and seventeen dozen pigeons, twenty-seven dozen quail, six turkeys, thirty-two swans, two hundred and seventy-three mallards and

[3] *Stanley Papers*, Pt. 2, 13-18.

[4] *Royal Household Ordinances*, 101-105, *e.g.*

[5] Halliwell, *Dict. of Archaic Words*, "Caste piece" — several pieces (or loaves) joined into one.

young ducks, one crane, twenty-eight heronsews, one hundred and ten bittern, twelve shovelers, one hundred and six pewits, sixty-eight godwits, eighteen gulls, ninety-nine dotterels, eight snipe, twenty-one knots, thirty-eight plover, five stints, eighteen redshanks, two tern, twenty-two partridge, one pheasant, and two curlews were eaten. What a screaming, quacking uproar were possible from such a contingent of terrified fowls! Some one put up with it too, for part of this winged biped menagerie arrived alive at Kirtling, and his lordship paid full 20s for "keping off wylde foule."

A goodly store of sea-food gave variety and zest to the menus. Three kegs of sturgeon, eight dozen cray-fish, one cart load and two horse loads of oysters, a barrel of anchovies, two pike, two carp, four tench, twelve perch, and three hundred red herrings were made away with.

In addition to all this, four hundred and thirty pounds of butter, thirteen pounds of lard, two thousand five hundred and twenty-two eggs, one hogshead of vinegar, six Holland cheeses and ten marchpanes were dispensed, while thirty-nine pounds, twenty-one pence was spent to furnish sufficient "Grocerie ware, banketting stuff, salletts, rootes, and hearbes."[9]

Where did all this fare, as well for ordinary use as for great feasts, come from? Purveyance and care of food was a vital part of the routine business connected with the proper running of a household. The whole question of supplies was that management problem which, more than any other, occupied the time and thought of the noble master himself, and was responsible for the existence of many of his servants.

Provision, largely according to the nature of the food and the manner in which it was bought up, consisted of what was called the "gross emptions" or the "food of store," and the "fresh acates"; or simply "cates" — supplies, usually perishable, purchased for immediate use daily, or weekly, by a special servant, called from his duties the achator or cator.

Naturally the staple portions of the daily rations were supplied from the store food. This was garnered up as occasion of-

[9] Extracts from Lord North's Household Book, *Archaeologia*, XIX, 287 *et seq.*

fered, in bulk, the estimated quantities of the various sorts required by a household being nicely determined for the season or for the entire year in advance. Thus at Michaelmas in 1512, the officials charged with the year's management of the 5th Earl of Northumberland's house were ordered to lay up these stores to last until the following Michaelmas: sixteen thousand nine hundred and thirty-two bushels of wheat, one thousand six hundred and seventy-six bushels of malt — and as the earl's brewer made twelve hogsheads of beer from six quarters of malt, if this liquor seed were all expended in the manufacture of that beverage, twenty-seven thousand five hundred and ninety-four gallons, in round numbers, were the year's beer prospect — an average of five hundred and fifty-two quarts during the twelvemonth, for each man, woman and child in the household, many of whom must have gone exceeding dry on less than one and one-half quarts apiece per diem.

In addition to the beer provision, however, ten tuns and six hogsheads (1646 gallons) represented the year's store of Gascon wine, which, more particularly specified, included three tuns of red, five of claret, and two tuns two hogsheads of white wine.

One hundred and twenty-four beeves, six hundred and sixty-seven muttons, twenty-five hogs, twenty-eight calves and sixty lambs were to be provided for slaughter; while the supply of cured fish consisted of one hundred and forty-four stock fish, nine hundred and forty-two salt fish, ten cades[10] of red, and nine barrels of white herring, five cades of sprats, two thousand eighty salt salmon, three ferkins of salt sturgeon and five kegs of salt eels.

One and one-half barrels of oil for frying fish, together with the same amount of honey, much of which was used for fish dressing, was deemed sufficient. "All manner of Spices" meant for that year, fifty pounds of pepper, one thousand forty score pounds of currants or "raisins of Corinth," as they were called, one hundred thirty-one and a half pounds of prunes, twenty and one-half pounds of ginger, six pounds of mace, three and one-half pounds of cloves, one hundred and four score pounds of sugar, seventeen pounds of cinnamon, one hundred and thirty-two pounds of almonds, thirty pounds of dates, seven pounds of

[10] A cade is a barrel of 500 herrings, or 1,000 sprats.

"granes,"[11] ten and one-half pounds of turnsole, ten pounds of sanders, three pounds of anise powder, nineteen pounds of rice, nineteen and one-half pounds of comfits,[12] a quarter of a pound of Gallinga,[13] two pounds of blanch powder, three pounds of saffron, and finally, with all this "spice" though not of it, might be placed the four coppets[14] each of figs and great raisins purchased. One hundred and sixty gallons of mustard were to be manufactured in the scullery, provision also being made for ninety gallons of verjuice, and forty gallons of vinegar. The latter, if possible, was to be evolved from the wine lags or lees. It was thought that six and one-half quarters of white and ten of bay salt would suffice for a year.

It was widely customary among the nobles to estimate along with the food supplies for a twelvemonth, the year's stock of fuel, illuminating materials, necessary linen cloth, dishes, and various other commodities. Thus in 1512, twenty chawder[15] of sea-coal and twenty quarters of charcoal were ordered for Northumberland. The latter fuel was for burning at Christmas time, when the arras was all hung, for as the smoke of the sea-coal ruined the hangings, its use had to be quit — a good commentary on the heating arrangements of the day! Fagots were used in baking and brewing, three thousand four hundred and sixty bundles being required for such operations during the year; while we are quaintly informed that sixty-four loads of great wood was necessary, "bicause colys will not byrne withowte wodd," which precept sounds as though it were founded on ex-

[11] "'Granes' are probably what are now called 'Granes of Paradise,' small pungent seeds brought from the East Indies, much resembling Cardamum seeds in appearance, but in properties approaching nearer to Pepper." — Bishop Percy's note in *Northumberland Household Book*, 414-415. The Bishop quotes Lewis's *Materia Medica*, p. 298.

[12] A comfit, according to Johnson, is "A dry sweetmeat; any kind of fruit or root preserved with sugar and dried."

[13] "'Gallinga,' Lat. Galanga, is the root of a grassy-leaved plant brought from the East Indies, of an aromatic smell, and hot biting bitterish Taste, anciently used among other Spices. . ." — *Northumberland Household Book*, 415.

[14] Coppet: perhaps for "topnett," diminutive for "tope," a tub or cask? *Vide Howard Household Books*, Surtees Soc., 45, note.

[15] "Chawder" — caldron, a coal measure of four quarters or thirty-two bushels.

asperating experience! Furthermore it was "ordained" that thirty sacks of charcoal be especially provided for distilling various waters for the earl. As each sack held four bushels of coals, this was a large quantity of fuel to be thus expended. Its consumption, however, made possible a lusty pharmacopœia to delight any Galenite, but which compels us to write down the earl a veritable English "Argan"! ". . . the Namys of the said Waters that his Lordeshipe is accustomyd to caus to be stillid yerly Hereaftur Followith Viz: Water of Roses — Water for the Stone — Water of 'Buradge' — Water of Feminytory (Fumitory) — Water of Braks (ferns) — Water of Colymbyns (Columbine) — Water of Okynleefe (Oak Leaf) — Water of Harts Tonge — Water of Draggons — Water of Parcelly (Parsley) — Water of Balme — Water of Walnot Leeffs (leaves) — Water of Lang do beeff (Lang Du Boeuf) — Water of Prymeroses (Primroses) — Water of Saige (Sage) — Water of Sorrel — Water of Red mynt (Mint) — Water of Betany (Betonica) — Water of Cowslops — Water of Tandelyon — Water of Fennell — Water of Scabios (Scabious) — Water of Elder Flours — Water of Marygolds — Water of Wilde Tansey — Water of Wormwode — Water of Woodbind — Water of Endyff (Endive) and Water of Hawsse (Haws). And to be allowed for filling of every Bottell of Water of a Pottell a pece on with another j Bushell of chercoill After iiij Bushell in the Sek And after ij Suaks to a Quarter And after j Quarter for stilling of every viij Bottells with Water."[16]

Light was highly esteemed by the earl if we can judge from the illuminating power lying hid in the four thousand eighty-seven and one-half pounds of wax, requiring fifty-one pounds of wick for its manufacture into sizes,[17] prickets,[18] quarions,[19] and torches, and the ninety-one dozen and two pounds of Paris candles which were to be made from tallow provided by the house. The torches had rosin also in their composition, twenty-nine pounds of which was ordered.

That year it was decided that seventy ells of linen cloth one

[16] *Northumberland Household Book*, 384-385.

[17], [18], [19] All candles. A "pricket" was a candle stand from which the name went to the sort of light used with it. A "quarion" was a square lump of wax with a wick in the middle, later known at a "mortice." — *Stanley Papers*, Pt. 2, 219.

yard wide would suffice for all the uses to which such material was put. From this amount were to be fashioned eight board cloths for the Hall, one for the Knight's board in the Great Chamber, a ewery cloth and two towels for the ewery for the earl to wash with at meal times, four towels for Carvers and Sewers, eighteen napkins one yard long and half a yard broad, two bearing towels for the pantry, eight pantry towels for liveries, a port-pane, also for the pantry, and two dresser cloths for the kitchen.

The estimate for dishes included an order for hiring what was called "rough vessel," whereby forty shillings was set aside for renting one hundred dozen of such utensils, at the rate of four pence a dozen. Three special occasions necessitated this recruitment of the home stock: Christmas, Easter and Whitsunday, at which seasons the house did elaborate entertaining. In addition, however, two new brass pots were to be purchased outright, as were two garnishes[20] of counterfeit vessel, the order for the latter being placed at six shillings eight pence the dozen. Stone cruses must have been more fragile than the material would imply since twenty dozen were to be supplied in two lots, the first to serve from Michaelmas to Easter, and the second from then on to Michaelmas again. These were at the moderate cost of ten shillings for the lot. So much for the major part of the year's supplies of the 5th Earl of Northumberland.[21]

There is a striking similarity between this provision and the bulk stock upon which the Earl of Rutland relied one full century later. Of meat — seventy beeves, four hundred muttons, forty lambs and thirty hogs, slaughtered for bacon, pork and brawn, together with one thousand two hundred couple of rabbits served to keep Belvoir from vegetarian's diet for a twelvemonth.

The store fish supply for the same period included four hundred new ling, six hundred haberdine, three barrels of white herring, three cades of red herring, three kegs of salt eel, six salt salmon, and two kegs of sturgeon. The numerical contents of the kegged stuff presents an old-fashioned arithmetical prob-

[20] Harrison describes a "garnish" as consisting of twelve platters, twelve dishes, and twelve saucers. — *Description of England*, Holinshed, 1, 399.

[21] *Northumberland Household Book*, 3-27.

lem of no little interest. Each of the barrels "ought to conteyn xc (1100) white herrings vi^{xx} (120) to the c (100)"! The fresh fish most commonly eaten were pikes, carp, tench and bream, but as the earl's ponds yielded his supply, the numbers used were not given, though they were surely known.

Claret was the largest wine item of the liquid store, there being laid up each year four and one-half tuns of that liquor. The earl had his bill of impost which permitted him to secure eight tuns a year at forty shillings a tun; this cost was further increased however, by the payment of twenty shillings to the Lord Treasurer's man (his clerk?) for the gift of the bill, while the farmer of the tax received two shillings, and his clerk twelve pence on each tun. In addition to this claret, two butts (108-126 gal.) and one randlet (c. 15 gal.) each of Muscadien and Rhenish wine were bought.

Three hogsheads of vinegar and four of verjuice was the annual quota of wet spice, while the usual two kinds of salt, one quarter of the bay, and five quarters of the white was the year's measure.

One hundred and twenty quarters of wheat, four quarters of rye, one thousand quarters of oats, forty quarters of pease, and thirty-five quarters of barley — such was the cereal order; the largest part of both the oats and pease to be used, probably, for horse feed. Four hundred pounds of hops would make three hundred forty-two and three-tenths hogsheads of beer under the brewer's rule at Belvoir, provided it were all used for beer, but this quantity of blossoms with the one hundred and sixty quarters of malt laid up, sufficed also for the ale and march-beer brew.

The earl had his large spice order consisting of eight sugar loaves, one hundred and sixty pounds of powdered sugar, seventy pounds of "raysons soll," or raisins of the sun, one hundred pounds of Alicant raisins, seventy pounds of currants, fifty pounds of prunes, eight pounds of dates, four pounds each of cloves, nutmegs and mace, six pounds of ginger, sixty pounds of pepper, twenty pounds of rice, ten pounds each of blue figs and almonds, forty pounds of barreled figs, four and one-half gallons of olives, four pounds of capers, four barrels of samphire, four barrels of gerkins, four gallons of oil, and finally, sixteen bushels of mustard seed, which were annually ground up for this favorite spice.

The fuel required each year at Belvoir was pit and charcoal, two hundred loads of the first and twenty loads of the latter. Three cords of wood were consumed in the manufacture of one load of the charcoal. It was burned in enormous pits which would hold from fifteen to thirty cords of wood at a time. The finished product fetched twelve shillings a load at the "forge," while the cost of making, including felling of the trees, cording the wood and coaling the pit, was six shillings a load; in addition, two shillings six pence was charged to put up a load for hauling. The loads of pit coal were not large; as the earl stated his order — "xiij corke fulles is a rooke, and nine corkfulles is three quarters and an ordinary loade, . . . A rooke of colles ought to bee ij yeardes high and a yeard and quarter square by measure." If this measure were adhered to in bringing home the coal, each load would contain about one and one-fifth cubic yards of coal, or if they loaded, as they probably did, one and three-quarters loads to a single drawing, they then would each time cart about two and one-sixth cubic yards of coal. One and three-quarters loads of this fuel cost two shillings eight pence at the pits. With the fuel which served in part for light, the earl needed one thousand dozen tallow candles, and three dozen torches for illumination in the course of a year.

In addition to these food supplies, the Earl of Rutland, like the 5th Earl of Northumberland, bought up various other provisions. Thus seven firkins of soap, sixty pounds to the firkin, were bought annually. This amount could not have gone very far, especially if it were used for both toilet and laundry purposes. Seventy-four pounds of starch — a high fallutin sophistication unknown in the 5th earl's day — would cook up into a goodly quantity of "devil's liquor," but that much was used in getting up the household ruffs and wrist-bands. Finally the earl had his figure for iron, steel, drinking glasses, window glass, lead, brass and copper, slate, mats for the chambers, pitch and tar, shovels, corn sacks, brooms, ash trees (probably young saplings for hop vines), well-rope,[22] and so on, and while Northum-

[22] Household books of the Earls of Rutland, *MSS. of the Duke of Rutland*, 4, 480-486. *Vide* Ordinances for the Household of George Duke of Clarence, in *Royal Household Ordinances*, 101 *et seq.*, for similar provision thus brought up.

berland did not list like purchases, the only item, outside of the starch, which he probably could not have had was the glass.

It was possible to do this extended ordering thus in advance, at a great saving of time and money, by means of an elaborate book-keeping, which recorded accurately all the provision brought in and used, as well as the amounts of all supplies left at the end of each day, week, and year. By studying several of these accounts, and drawing an average, it was relatively as easy to estimate with a margin just what quantities of store material must be ordered, as it is for a good housewife of the present time to tell how much fruit she must preserve, or how many bushels of potatoes to secure for the winter.

It was earlier noted that various people in a household were responsible as well for the purveyance of this stock, as for properly looking after it when it was got home. Especially important, however, was the commissarial rôle zealously played by the noble master of an establishment.

The 5th Earl of Northumberland himself, acting with his domestic council, decided upon all the yearly provision to be laid up in 1512 for his establishment, as well as what his cator "parcels" should be. He approximated the prices of all the supplies, stated when, and in what amounts the money to be thus expended should be transferred to the officials "standing charged" with his house, and from which of his various estates such sums were to be due. He likewise indicated where much of the provision was, or was not, to be procured.

The following provision for weekly observance in his household was ordained: "ITEM that the saide Clarkes of the Kechynge shall affore they maik any Barganne for Provision of any maner of gross Empcion for kepinge of my Loordes Hous that they maik my Loorde privey theretoo affore the Barganne be concluded to th' entent that they may knowe whether his Loordship will agre to the said prices or not if my saide Loorde be at home ande if his Loordeship be absennt thanne to maik suche of his Lordeship Counsaill or Servaunts that my said Loorde leefs in trust too see which he haithe apointed prevey to the said Empcion affore the Barganne be concluded to th' ententt that they may see whether they have maide there Bargans in dewfull tyme or nott." [23]

[23] *Northumberland Household Book*, 116.

Laboring carefully with his assistants for some time before Michaelmas of 1512 — the date which began the household year, together they fashioned the specific lists already presented in detail, prefacing the systematic results of their efforts with a courtly praelusio stately enough to herald the birth of a prince:

"THIS IS THE ASSIGNMENTE made by me and my Counsaill at Wresill to Richard Gowge Countroller of my house and Thomas Percy Clark of the Kechyng of my said house stondynge chared with my said house Which ys for the hole expensys and kepynge of my said house for one hole Yere begynnynge on Monday the xxxth day of September which was Michaelmas day last past in the thyrd Yere of my Soveraigne Lorde Kynge Henry the viijth and endynge at Michaelmas next cumynge which shal be by the grace of God in the iiijth yere of my said Soveraigne Lorde as the names of the Parcells that they shall have payd by th' hands of my Cofferers for the tyme beynge With the names of the Sommes that they shall pay hereafter folowyth in the Booke." [24]

Only to supervise the securing of supplies was not sufficient, however. The thrifty expenditure of his store also engaged the earl's earnest attention. He and his council determined for the entire year, and carefully stated, the breakfast, dinner, and supper menus for all eating in the house; this included the special provision which religious observance demanded for Lent with its weekly "scambling days," [25] in addition to Rogation-day fare, the extra dishes for principal feasts, and the livery allowances as well of food as of lights and fuel. In fact, in regard to the latter item, the earl was particularly solicitous, especially when he could not personally direct the spending of his store.

From Hallowmas (November 1st) until Shrovetide (the period between Quinquagessima Sunday — the last Sunday in Lent, and Ash Wednesday) the household did not reside either at the Manor of Leckinfield or at the New Lodge in the park there. Certain servants were left in charge of those residences, however, and to control the heating supplies thought necessary for this three month interim, a descriptive bill was drawn up under

[24] *Ibid.*, 1-38.

[25] "Scambling Days were Days when no regular Meals were provided, but everyone scrambled and shifted for himself. . ." — Bishop Percy's note in *Northumberland Household Book*, 416-417.

Northumberland's direction, and signed by him, which for redundant intricacy could be excelled only by a verbose Royal Proclamation. The title alone is a teeming five-wheeled masterpiece:

"THYS YS THE BILL OF THE NAMYS of the HOUSES at my Lordes Mannour of LECKINFELDE at his Lordships NEW LOGE in his PARKE ther And what CHAMBERS they be which shall have FIERS kept in theym yerly And how myche FEWILL shal be allowid to every Hous by the DAYE Weke and Monneth As well Billett Wodde as Fagot And what Dais in the Weke they shal have Fiers made in them at all such tymes in Winter that my Lorde lies not ther Yerly from All-Hallowtide to Shraftide As the Namys of the said Houses And what Houses they bee And what every of them shal be allowide by the Day Weke and Monthe And what Dais they shall have Fiers kept in theym HEREAFTER FOLLOWITH in this Bill Signed with my Lordes Hande."

This was making a Star-Chamber matter of it with a vengeance! As the caption purports, the bill sets forth room by room those chambers in both mansions which shall have fires — the Leckinfield list includes this interesting group of apartments: The jewel house, my lord's library, my lady's library, my lord's library over the Chapel door, the evidence house over the Chapel stair, the upper and nether houses, i.e. stories, of the tower in the garden, the inner chamber in the upper house of the same, the wardrobe, armory and vestry — within these eleven chambers out of more than four score, cheerful Loki was granted a measured tether. Seven rooms in the New Lodge were likewise to be graced by his warm presence.

The straight laced document, further, in accordance with the promise of its title, narrates also room by room, the days of the week — Monday, Wednesday, and Friday, on which supplies of wood were to be furnished to each of these several chambers; the precise quantity for each in shides and fagots with the price of both — the amounts of fuel and the costs being estimated for the week, month, and three months![26]

[26] *Northumberland Household Book*, 377. It is but fair to relate that this detail is characteristic of this whole household book and also of many others.

Finally, it would seem under the law of inertia, the bill concluded with a reiterative summary, stating first all the fuel in shides and fagots to be consumed, then the whole quantity of either sort allowed for the Manor and Lodge respectively together with the total cost — three shillings, which is a comical reductio ad absurdum, a tiny mouse brought forth with majestic reverberating travail by this mountainous book-keeping![27]

The finickin exactitude of these regulations safeguarded expenditures of the fuel which probably were entrusted to servants alone; Northumberland, however, had his wood and coal stores carefully estimated for the summer and winter use of the household proper.

What was called the "whole livery" of fuel — that is, the regulation daily delivery for winter consumption, began to be issued at Allhallows, and ran, full tilt, to Lady-Day in Lent;[28] from this latter date, until Allhallows again, the summer, or "half liveries" were issued. During the winter the entire establishment received its quota of coals, or wood and coal both, worked out with the usual great care. To "My Lordes great Chambre where he dyeneth" went daily, one shide of wood and one bushel two pecks of coals, the allowance for "My Ladys Chamber where she lyeth" and for his Grace's room "where he maketh hym redy" being somewhat more generous — two shides, one bushel and three pecks, each.

The nursery was heated only "if my Lordes childer be byneth," in which pleasant exigency two pecks of coals was its supply. One peck of coals had to suffice each of the great officers of the household, except the Chamberlain, who was allowed a shide and two pecks. So on, with the rest of the household, down to the kitchen, bake and brew houses, whither generous supplies of fuel were carted, at least on busy days; thus in the brew house, at every brewing, four score and sixteen fagots were consumed. How delightful those glowing precincts on a bleak wintry day — where savory food or well-bodied drink were toward! But against the yearning temptation for servants to loiter near such genial comfort, stood the stringent rules of the establishment, and the steadfast training of the officers.

[27] *Northumberland Household Book*, 377-385.
[28] *Ibid.*, 99-101.

The half, or "summer liveries" of fuel, were issued only to the chambers of the earl and his lady, to my Lord Percy's room, the nursery, and his Grace's library. What a vigorous establishment this, to have flourished under so skimpy a fuel provision, housed, as it was, in a stone castle, moat engirt, in the northernmost county of England, defying the winter's rages until Allhallows, and heralded to spring, whether or no, on the 25th of March! And then Harrison with that age-old perversity, bewails those ancient days, when stalwart Englishmen dwelt not in the snug comfort of oaken-ribbed houses!

It was likewise to guard against extravagance that the earl's keen eye searchingly scanned the mistakes made by the management in the conduct of this entire department during the year just ended. Whether the error lay in the purveyance of the supplies, or was due to the ignorance or neglect of a servant charged with handling the stock, Northumberland noted it and tersely declared its remedy.

Apparently the bakers and brewers had been careless; at any rate, some bread and beer had been bought up outside; henceforth the home product must suffice. Furthermore when trencher bread was baked, the flour for it was to be used as it came from the mill — that is, unbolted.

What appears to have been some underhand work on the part of a purveyor was detected in connection with the fish supplies; no longer, when salt-fish was high priced, was stock fish to be bought because it was cheaper — the implication being that provision had been made for the salt-fish. Neither, in the future, were red and white herring and sprats to be purchased for serving either at breakfasts or on scrambling days in Lent or for regular use during other seasons, to thereby avoid supplying enough sea and fresh water fish.

During 1511 the whole household had been indiscriminately living on the fat of the land, but from then on no lambs were to be bought when they were dear, except for Northumberland's board, and the fare of his Steward and Chamberlain, while it was briefly enjoined "that their be no common service of theym thrugh the hous."

Thrift forbade what had been a wanton wasting of white salt during the past year. This commodity was henceforth to be

used only in the pantry and "for seasonynge of meate or for castyng upon meit." Stringent ordinance declared that the "broken wine" in my lord's house be converted into vinegar, the clerks of the establishment providing the lags for that purpose, these same having first been duly marked by those servants "after thei be past drawyng that thei can be set no more of broche."

It was probably the heavy breakage of the earthen pots in which livery food was served, which instituted the commission to provide leather pots for them, i.e. in which to set them; while a promiscuous freedom in renting pewter dishes led to a re-naming of those four festivals on which alone the house hired extra ware. A similar mismanagement called forth a rehearsal of the established rule in regard to the purchase of counterfeit vessels, with its careful injunction to keep the same in the counting house during the wide intervals between their quadriannual festival service.[29]

Other orders by the earl to assure the economical consumption of all the provisions will be later noted. It is sufficient here to observe that no rule which a wise frugality could suggest was left unframed. The baker must answer his six hundred and forty manchets, two in a loaf out of every quarter of wheat delivered to him, a like mathematical exactitude measuring the household and trencher bread. The brewer had also his steadfast gauge, while the butcher learned to a whack how many "stroks shal be strikkyn" out of every beast transformed by his cleaver art from a lively creature into a carcass,[30] a similar chart being likewise furnished to that individual whoever he may have been who cut up the cured fish.[31]

While making no pretense at completeness, these details well reflect the character of that control from headquarters which a great nobleman, like the 5th Earl of Northumberland, exercised over his supplies. This was a duty punctiliously performed by many if not all of the nobility. In February of 1586, Edward Earl of Derby signed Household Regulations several of which touch this department directly.[32] On May 12, 1587, his successor,

[29] *Northumberland Household Book*, 55-58.
[30] *Northumberland Household Book*, 134-135.
[31] *Ibid.*, 135.
[32] *Stanley Papers*, Pt. 2, 8-10.

the Earl Henry, formally kept or amended these to suit his needs.[22] George, Duke of Clarence, Lord John Howard of Stoke, all of the nobles, in fact, whose household accounts have been preserved, demanded an efficiency in this respect only to have been attained through similar regulations though such rules were not always so carefully formulated.

In securing and looking after their supplies, however, these noble householders by no means confined themselves to the circumscribed bounds of the pilot, effective and necessary as was direction from that vantage. In fact the many busy hours devoted by Lord John Howard of Stoke to the personal transaction of much of his entire provision business, stand immutable witnesses to the painstaking industry of certain of these old Tudor aristocrats. Each was on his own behalf a zealous worker, shirking no task of this sort, however trivial, nay, mean, it may have been.

Among the numerous provision works to which Lord Howard at times devoted his personal attention was his fish supply. It has already been pointed out that fish of all sorts was one of the largest staple foods of the nobility. We have also noted that the fresh fish most commonly eaten were carp, tench, pike, bream, and perch. A constantly available supply of these was secured by stocking artificial ponds, moats, or other waters on the estates with such varieties. By maintaining a progression or series of these little fisheries, several were always ripe. These could be fished, or, in the case of the ponds, simply broken open, the water drained off, and the necessary fish easily taken. The constant care given to this sort of thing accounts for the steady employment by all of the nobles of pond makers and pond "casters" or cleaners.

Stock material for maturing at home could be secured from men who made a business of fish culture, while presents of such young fish were also exchanged among friends. At Belvoir in 1611, Croxton, Westminster, and Besk Park ponds, Rossel sick (brook) and Clipsome dam supplied fresh fish for the Earl of Rutland. These waters, stocked with such numbers of bream, tench, pike, and carp as were necessary, were located either, like Westminster pond, on the demesne, or like Croxton, on tenant lands. The earl purchased store fish from Paul Robinson of

[22] *Ibid.*, 20-22.

Crowland and Holland, Lincoln Co., who charged twelve pence, two shillings, six pence, and two shillings apiece for pike, bream, tench, and carp respectively, and in that year Rutland was paying one Robert Bingham a yearly wage of five pounds for looking after his ponds.[34]

Between 1462 and 1472 Lord John Howard had fish in some ten different waters; among these were his mill pond, the "greatest pond in the park," two at "Sprottes," the long moat at Overbury Park, that in the close garden, another pond called "Janenes," and the brick pond. In addition to these, in 1465 his lordship was agreed with a man known as Snelle of Leyham, for ponds belonging to him and his mother. Howard secured the right to store these ponds and break them open when he chose, paying four pence a year for the privilege.[35]

During the decade under consideration, Howard stocked his own ponds and tended personally to the removal of his fish. On May 15, 1462, he himself put in his mill pond two hundred roach, eighty tench, forty perch, twelve each of great and small breams, forty-seven great carp, twenty-three great tench, and later, twenty-five more great tench.

Sometimes an old pond was opened up simply to transfer some stock to a new water, or to take out the big fish and restock with small ones. Thus Howard himself narrates such an operation: "And the vij yere of the Kenge, xxviij. of Janever, (Ed. 4th, 1467-1468) I breke myne greteste ponte in the parke, and howete of that I toke in grete bremes, lxv. And pote theme in to the mel ponte the wesche is new mad; and I pote the same day into the same ponte vj grete karpes; and the same day I pote into the same ponte in lytel Karpes xij^{xx} (240) And in grete tensches the same tyme xliij (43) In small tensches xx, In lytel bremetes lxij, In roches xiij^{xx} (260), In perches vj^{xx} (120)"—and then with a conclusion worthy of an assize—"Al thes is at thes hower and day in the mel ponte"!

Again a clerk notes that on October 8, 1462, his master "brake his hederest ponde at Sprottes . . . and lete nat owte alle the water, wherfore he lete ther in serteyn grete carpes and many oder smale, and muche ffrye."

Lord John seems to have been particularly successful with his

[34] Rutland Household Books, *MSS. of the Duke of Rutland*, 4, 482.

[35] *Howard Household Books*, 560-564, for these and following facts.

ponds and he practised a generosity with his stock whereby several folk, at least, profited. On September 27, 1465, he gave away eighty-four store carp — fifty to "my Lady Waldgrave," twelve to Thomas Moleyns, twelve to "Chelone," and ten to "Chateryse."

Howard's interest in his fish supply brought him more work than merely caring for his ponds. He frequently bought up cured fish for his store, and did not hesitate to play cator if chance offered a tempting fresh fish bargain. On July 4, 1482, he paid a man of Downich, at Colchester, twenty-one shillings eight pence, neatly acquiring therefor sixty-two salt fish, whereas he had paid but for fifty; his wary servant going to fetch these home succeeded in further boosting the purchase up to sixty-six while the fish were being told off![36] Our haggling country folk of to-day have in truth aristocratic if antique precedent for their thrifty penchant.

In March of 1483 Howard gave twenty shillings "to John Spysers wiff, of Hadleyth," for fifty stock fish.[37] This seasoned dame was evidently experienced in the ways of her craft, and doesn't appear to have been in the least daunted by the august presence of a great noble, for we hear of no such Christian measure as that to which the fisherman at Colchester submitted.

Likewise in March of this same year Howard secured one hundred and twenty-four powdered cod from "a man of the coast," who was at the Hyth, a Colchester ordinary. On this occasion, however, his lordship only directed the bargain, the actual buying being done by one Barker of the inn who owed Lord John a debt. The fish cost forty shillings — more than discharging the debt by six shillings and eight pence, which Howard promptly paid.[38]

Perhaps, finally, it might be only a small purchase, like that on December 25th, 1481, when Howard gave one Lalford five shillings to pay "a pike man of Ippiswech" for twenty eel and some small eel which were for some pond or other[39] — or the three shillings six pence Howard himself paid on March 2nd, 1483, to a pike monger for six pickerel.[40] So much for the fish.

[36] *Howard Household Books* (Collier), 214.
[37] *Howard Household Books* (Collier), 362.
[38] *Ibid.*, 371-372.
[39] *Ibid.*, 143.
[40] *Ibid.*, 362.

Most of the mutton which supplied the tables at Stoke was raised on the place. In fact Howard went into sheep raising on no small scale for his day, and his interest in the numbers and condition of his stock was natural. With what a justifiable pride and satisfaction must he have entered with his own hand the memorandum of September of 1465 which chronicled the numerical status of his folds to-date:

". . . the nexte fryday be fore Mekelmes day, I ad at Bray and in the kontery a bowte, morre than xi.c (1100) schepe And thereof ware morre than v.c (500) wedderes."[41] On December 17th, 1482, likewise through his own memorandum he displayed his characteristic sharp surveillance over stock buying. Entering what apparently had been a servant's order, he writes: "And so Wateken, bocher, schal sende me for my iiij markes xx. good wedderes to Brames place at Boxsted: the most be worthe ij.s:viij.d a pese."[42]

This busy Suffolk nobleman had also a deft hand at turning a grain bargain. The tremendous consumption of cereal staples in a great household could rarely be supported solely by crops raised on a lord's estates. That noble who devoted much of his lands to stock raising was especially liable to be dependent on the outside world for grain. At any rate, corn often in large quantities had to be secured by many of the nobility from beyond their own farms. This was the case at Stoke, and Lord John Howard did not always rest the responsibility for its purchase entirely on his Steward.

On October 13th, 1482, he personally paid Sir Thomas Beston of Wulpet, 3£:15s, for twenty quarters of barley,[43] while earlier in the same month he made a covenant with a debtor, one John Beere, "before Mast[r] Rysley at Lynne, as it perith be a byll wretyn be on of his clerkes," whereby Beere promised to pay him on his debt, five seam (sack of eight bushels) each of barley, oats, wheat, and haras,[44] for all of which Howard was to allow him the Sudbury market price.[45]

His lordship readily contracted for grain on church livings.

[41] *Howard Household Books*, 555.
[42] *Howard Household Books*, 328.
[43] *Howard Household Books* (Collier), 299.
[44] "Haras" — horse-feed, from haras, a stud?
[45] *Howard Household Books* (Collier), 298.

In October of 1481 he bought of the parson of "Berfolte" twenty quarters of wheat, and took that mercantile servant of God, forty shillings in hand.[46] Again in late May of the next year, Howard purchased from "Syr Perys Aleghe, pryst . . . all the cornys and greynys of the paryche of Polsted for this yer folewyng fore the whiche [he] chall have of my Lord xv marks, . . ."[47] and also determined the amount over which two men of the parish were at a point with the cleric, for their tithes; perhaps he himself got the tithes; at any rate the transaction left Lord John the priest's debtor to the extent of ten pounds. Howard paid five pounds to him then, and on January 4th of the next year dismissed the bill by a further payment of 4£: 6s: 8d. In the interim some other money appears to have changed hands between the two, for on the latter date Howard shrewdly recorded that the priest was contented, that is, paid up, ". . . saff only my Lord soposeth that he hath vjs:viijd more and his dewte, and if it can be fownde in my Lordes bokes, he must make it good ageyn to my Lord"[48] — a rather close shearing of the poor ecclesiastic!

Finally, through an obscure transaction, also in 1483, likewise conducted by Howard himself, he received a large consignment of twenty-five quarters of wheat, which was apparently paid for in salt, the necessary quantities of which were disposed of by two men named Gauge and Patton, who likewise bought the grain.[49] The bargain involved some 10£, which was a large sum of money to be spent on a single grain purchase.

When Parliament duty called Lord Howard to London, he frequently took advantage of his temporary residence in the capital to look after his wine supplies. In April of 1482 he paid to one Matok, in the city, twenty-five marks for two and one-half tuns of wine,[50] while in February of the year following he sent home to Stoke a pipe of red and a hogshead of claret wine.[51]

A London visit was also a capital opportunity to have a "reckoning" with grocer Sandes in Cheapside, from whom all of Howard's "spice" was purchased, with but one exception during the

[46] *Ibid.*, 118.
[47] *Ibid.*, 208-209.
[48] *Ibid.*, 337.
[49] *Howard Household Books* (Collier), 321.
[50] *Ibid.*, 354.
[51] *Ibid.*, 484.

years 1481-1483. The reason for Sandes's little monopoly was that he rented his shop with its hall above stairs from Howard, who, in country doctor fashion, simply "turned" his bill. On February 21, 1483, his lordship had an accounting with his tenant, and through this it was made clear, item by item, that Sandes had a debit account of 14£:14s:5d against his landlord; this included 3£:8s:7¼d which Howard owed him "of old" — "as it pereth in the gret rede booke" — charges for sundry grocery items delivered in the course of the last year, and the costs for some little repairs about the shop which Sandes had paid; all this duly *viseed*, it was patent to all concerned, after subtracting 10£, the year's rental for the stand, that Lord John still owed his tenant 4£:14s:5d, which, with gracious accommodation, he allowed to apply on next year's rent.[52]

Like all of the nobility, Lord John Howard was interested in his brewing, and he himself often bought up the necessary hops for that important home industry. In April of 1481 he secured five hundred and sixty-two pounds of blossoms from a Colchester man by the name of Whitefoot, who received 3£ for his sale. Howard was short of money in pocket that day, for after subtracting 33s:4d from a debt which the hop man had owed him for some time, he, in turn, had to make suit to one of his servants who fortunately was at hand, for the balance, 26s:8d![53] Again on August 23rd, 1483, Howard paid 18s, also at Colchester, for two hundred pounds of hops,[54] and the year before he seems to have been attempting the culture of the vines himself, though apparently without much success. In March of 1482 he paid his Steward 2d. "for setting of viij hopps."[55]

The great quantities of fuel consumed at Stoke in heating, baking, and brewing passed under his tally. Again and again he has his reckoning with the hired woodmen who prepared it for use. Perhaps a settlement was made with Nicholas Root, who in April of 1481 had made "xix c (1900) wode" — bundles of fagots, probably, and whose pay to date, 7s:4d, left still a little balance due him.[56] Or again, it may have been that accounts

[52] *Howard Household Books* (Collier), 351-353.
[53] *Ibid.*, 56.
[54] *Ibid.*, 433.
[55] *Ibid.*, 171.
[56] *Howard Household Books* (Collier), 51.

were squared with William Sherman,[57] Richard Whiting,[58] Robert Gyrleynghouse,[59] or Hary Quylter who was paid 4s. on December 24th, 1482, "for bryngenge in xj quarters of coles made of my Lordes owne woode."[60]

Howard's interest in his wood pile and coal sacks is but one manifestation of his tight grasp on the purveyance of other than food supplies. Were there dishes to be rented or purchased he frequently attended to that business. Here his practices acquaint us with a universal custom at once quaint and curious. New pewter vessel, the commonest sort of table ware used among the nobles during this period, was ordinarily purchased by each household at least once a year. It was sold by weight usually in garnishes, and so much was allowed by the pewterer, also according to weight, for old dishes in exchange. One of Howard's clerks noted that on January 11th, 1483, his ". . . Lorde rekened with Willm Revett, pewterer of Ypswiche, for pewter vessel that he had delyvered to the kechyn before Crystemasse, in new vessell of on sorte, ij. doss. new platers, and xxiij. new dyshes of a nothir sorte, and xij new dyshes of a nothir sorte; of which at this day ther lakkyth one, and xvij. new sawsers, wherof lakketh on at this day: for the chaunge of whyche ther was delyverd the same day xvij. olde platers, xij. olde dyshes, and viij. old sawsers, the whiche weyid lviij.lb.di.; and the vesselle before said weyid iiij.[xx]viij.lb.di.; and so ther remayned to hym xxx.ib. of the new vessell, for which my Lord paid hym the same day, for every lb.iij.d. Summa vij.s vj.d.
Item, my Lord paied hym for the exchaunge of the lviij.lb.di. iiij.s.x.d. Summa totall xij.s.iiij.d."[61]

This pewter ware was wrought in Tudor days with an excellence appreciated as well abroad as in England. Harrison affirms that "In some places beyond the sea a garnish of good flat English pewter of an ordinarie making . . . is esteemed almost so pretious, as the like number of vessels that are made of fine siluer, and in maner no lesse desired amongst the great estates, whose workmen are nothing so skilfull in that trade as

[57] *Ibid.*, 51.
[58] *Ibid.*, 142.
[59] *Ibid.*, 326.
[60] *Ibid.*, 332-333.
[61] *Howard Household Books* (Collier), 340. *Vide* also 331, 421.

ours, neither their mettall so good, nor plentie so great, as we haue here in England."[62] However this may have been, pewter is not a very enduring substance. Easily marred by scratching and denting, a whole service of such metal in regular use must soon have presented a battered, dingy, and altogether shabby appearance, hence the need for constant change, which surely accounts in part for the practised hand of the English craftsmen.

Beside Revett, Howard dealt also with another manufacturer of this ware, located in Ipswich, likewise, and known to the Stoke household simply as "Thomas of Ipswiche." His lordship at least rented vessel of this Thomas, having one settlement with the craftsman on a Sunday in August of 1483, while September 27th of that year ". . . my Lord paid hym for the hire of vessell for all that he cowde ax, un to this day, a bove wretyn, xxvj.s. viij.d."[63]

When hired dishes were in the possession of a household, the establishment naturally assumed responsibility for their safe return. A vexatious little comedy on this theme was played at Lord North's expense during his costly entertainment of Queen Elizabeth before related. The necessary extra pewter dishes for that occasion rented at 20s. Scouring and taking charge of the ware thus hired cost 16s:8d. more. Then in the hub-bub and confusion during the festivities, it was discovered that the outfit was missing—"lost." The set weighed forty-five pounds, and his lordship's clerk recorded that at 8d. per pound, it cost 32s: 2d. to replace![64] Had this episode happened at Stoke, Lord William Howard's animadversions would have been well worth recording!

Likely enough, by-the-bye, some of the Queen's attendants made off with the lost ware; for in these ancient days thieving was a universal art, at the practice of which domestics were prone to be very adept. A household regulation of King Henry the 8th, issued in the twenty-second year of his reign, enveighs against a ponderous, elephantine burglary, truly appalling to contemplate, evidently indulged in by his servants. Article thirty of those regulations "enjoins all his highness' attendants not to steal any locks or keys, tables, forms, cupboards, or other

[62] Harrison, *Description of England*, Holinshed, 1, 399.

[63] *Howard Household Books* (Collier), 464.

[64] Extracts from Household Books, *Archaeologia*, XIX, 290 *et seq.*

furniture, out of noblemen's or gentlemen's houses, where he goes to visit"! [65]

Returning for a final observation on Howard's industrious purveyance: There was not a supply detail to which he would not attend. He could buy a lock for his saffron garden,[66] and he was not too dignified to pay 11d. for "ij bolles for the kechyn, ij rounde dyshes and xj platers of tre (wood) to serve werkmen, and othyr gere." [67]

In conclusion, we have followed here an interest on the part of these noble householders in their supply purveyance which led them from its intricate supervision to the personal transaction of its most trivial business. Two reasons for such an interest readily suggest themselves. In the first place a nobleman's estate was his all; as it flourished or decayed, so waxed or waned his personal well-being. Supplies, costly both to secure and keep, constituted one of his heaviest running expenses. In 1469 they cost the Duke of Clarence 2545£:15s:6d.[68] In 1512 the 5th Earl of Northumberland thus laid out 677£:18s:1d.,[69] while in 1561, Edward Earl of Derby expended in like manner nearly 1700£.[70] Furthermore all the duties of purveyance as well as those connected with supply consumption, entrusted to servants, offered seductive temptation to even the stout of heart among a liveried crew; somewhat of this we have already seen while further details of a similar variety will come presently to view. If, therefore, a nobleman were a wise manager, he had to be alert to all that was going on in this department. In the second place, if fortune so favored him that he were not driven to constant spigot gazing in self defense, even such a man must have welcomed work like that with which we have seen them busied, in preference to long hours of logy idleness. When at home, with no routine business at hand, how tediously had the leaden-footed days dragged by! Duties like these, on the other hand, if properly conducted, demanded a constant vigilance which should soon have taught a man to mark the whirr of the hour's wings, and the swift passage of the day's post-horse!

[65] *Archaeologia*, III, 154.
[66] *Howard Household Books* (Collier), 292.
[67] *Ibid.*, 325.
[68] *Royal Household Ordinances*, 101 *et seq.*
[69] *Northumberland Household Book*, 1-27.
[70] *Stanley Papers*, Pt. 2, 1-5.

CHAPTER V

SUPPLY PURVEYANCE IN THE HANDS OF SERVANTS

Live not in the country without corn and cattle about thee, for he that putteth his hand to the purse for every expense of Household, is like him that keepeth water in a sieve; and what provision thou shalt want, learn to buy it at the best hand for there is one penny saved in four betwixt buying in thy need, and when the markets and seasons serve fittest for it.

— *Lord Burghley to his Son.*

If all wise noblemen carefully interested themselves in the intricate responsibilities of supply purveyance, there were many times in the course of a year when such personal buying as often engaged their attention was out of the question; nay, at best, the heaviest share of that labor perforce fell upon the shoulders of paid officers; in fact the men hired to attend to the purchase, keep, and delivery of the household supplies made up the greatest number of the servant group, with that business their principal occupation.

Under ordinary conditions, the first among those engaged in securing the "gross emptions" and other supplies was the Steward with his assistants. ". . . the stewarde of houshould is to make all forraine provisions whatsoever, and to see them brought into the house and then to acquainte the comptroller therewith, as his chardge. . . Hee is to make all bargaines and sales, or at the leaste bee made privie thereunto, and also to acquant his lorde therewith, and to take his lordes opinion therein, and to call the comptroller, or other cappitall officers, and to take theire opinions therein, as his assistannce, for his lordes better service to bee donne."[1] Money for all such purposes was given him by the Receiver-General; in fact ". . . his hannde is warraunt to the receavour for what sommes soever, for his lordes affaires. . . ."[2]

Closely associated with the Steward in actual purveyance were the Comptroller and the Clerk of the Kitchen. Frequently, the

[1] Breviate, *Archaeologia*, XIII, 315, 316.

[2] *Ibid.*, 316.

Comptroller did most of the buying; Brathwait speaks of a superintendency of such work by head officers, not distinguishing them particularly. "They must be able to iudge, not onely of the prices, but also of the goodnes of all kindes of corne, Cattell, and other household provisions; . . ."[3] In 1512, Richard Gowge, Countroller, and Thomas Percy, Clerk of the Kitchen, were charged with all the work of provisioning the establishment of the 5th Earl of Northumberland.[4] While this may have been a special case, in general the Comptroller had to assume any of the Steward's duties during the latter's absence; "Hee is in the absence of the stewarde to supplie his place, thoughe not in name, yet in power so amplie, as if hee himselfe weare in presence touchinge all commaundes."[5]

At the beginning of the household year, before purveyance began, it was customary to equip the officers setting out upon that business with every datum and rule which could assure their work and safeguard a lord's interests. In 1512, Northumberland's men were provided with complete lists of all the year's supplies — quantity noted, and price, as exactly as fluctuation would allow.

They knew accurately when it had to be got in, where much of it was to come from, and when payments upon it were to be made, warrants for the necessary money being made out to them upon the earl's several receivers.[6] Furthermore, they were given a flying start at the commencement of each year, in being able to rely for their first block of supplies upon the carefully itemized remnant of stock left from the previous twelve-month. In 1512 that "remainder" in this household was quite a substantial provision, including a bit of about everything used in the establishment, from wine to hay; the whole was valued at £58:22d. ". . . as it aperith more playnly by a bill of the said Remaneth signed with my hand which ys delyvert into the kepynge of the said Richard Gowge Countroller and Thomas Percy Clark of the Kitchynge."[7]

[3] Brathwait, 7.

[4] *Northumberland Household Book*, 1.

[5] Breviate, 317.

[6] *Northumberland Household Book*, 3-27, 111, 207, etc. The Earls of Rutland and Derby, the Duke of Clarence — all noblemen, probably had similar lists and directions.

[7] *Northumberland Household Book*, 1-3.

In securing supplies dependence was first placed upon the lord's demesnes and those of his tenants who could pay their rent in kind. To facilitate such purveyance the Steward was also incharged with the demesne farming, and must needs be a skilled husbandman. He determined which of the lands were fittest for various uses, and chose the "baliefes of husbandrie" — dispensing to the ". . . saide bailiefes, all such sommes of monnye, as is to bee bestowede, as well to buye cornne, as cattell, and sheepe, and to derect such groundes, for these cattell and sheepe bought, as by his discretione, shal bee thought meete. . ."[8]

Each month of the twelve brought its full quota of supervision to this busy officer — now it was the preparation of all manner of wood for household use — fuel, hedging or building — clearing grounds — plowing and sowing, or all the sage details in the breeding and management of horses and stock — regulating of pasture and fodder — harvesting — in a word, the multifarious business of a husbandman, which, while not personally done by the Steward, nor yet by his assistants in office, was at least overseen by him.[9]

Under a careful management, a very considerable part of the year's gross emptions might be laid in from the demesne and tenant farms. In 1611 all the beef consumed from Lamas to Christmas in the household of the Earl of Rutland was supplied from Biskwood Park, which, about May-day, was stocked with young steers and heifers out of Yorkshire.[10] His Grace's sheepfolds, two at Hambledon in Yorkshire, and four at Branson, Saltby, Beskpark, and Wolsthorpe farms, furnished at least three hundred of the four hundred muttons used annually, while all the lambs slaughtered came from ". . . my Lord's store about Belvoyre and thith lambes at Ansley. . ."

Warrens, conveniently near the earl's various houses, raised the two thousand two hundred rabbits used for food each year, while a rarer dainty — swan's flesh, was likewise a home product;

[8] Breviate, 315.

[9] Breviate, 373-383: "Heare insueth necessarie instructions for the Stewarde or principall Officers of the Houshould to have respect unto, as concerning all forand occations, with the tymes and seasons of the yeare dulie considered touching these perticulars followinge. . ."

[10] Probably from farms of the earl. These and the following details are taken from a Treatise on Supplies for the Rutland Household, set down in 1611. *Rutland MS.*, 4, 480-486.

the earl had birds on the Trent river, and a "marke" in Holland (Co. Lincoln). Great care was taken of the flock, consisting of twenty-nine swans and signettes in 1613; one William Wande was paid £3 yearly, for looking after them, while each bird was ". . . marked on the bill with E. R., which was the marke of Edward, Earl of Rutland; alsoe his Lordshipe's swans hath both heeles cutt off, which is the more certaine marke and used by noe other person."

Of the grain supply, the oats (200 quarters annually) was all rent corn, as was the greatest part of the wheat, what was lacking to make up the full quota, 120 quarters, being bought in Lincolnshire "at the best hand." The forty quarters of peas was largely rental and tithes produce, while the entire 160 quarters of malt was thus secured. In addition to such staple foods, some of the lighter supplies were also got at home — dairy and poultry produce — verjuice, that much prized sauce, made "of crabbes gathered in my Lorde's woodes in the end of August" — and candles — "His Lordship's provision of lightes is made in the howse of the benefit of the slaughter howse; my Lord's yearely proportion being x^{xx} dozen."

About this same time, the demesnes of Lord William Howard of Naworth presented all the appearances of very thrifty farms. His lordship's Steward, during 1512, was paying men for making and driving plows, harrowing, threshing of big and oats, hay harvesting, looking after the orchard, cutting wood, attending to calves and flocks of sheep, which latter work included marking, driving to pastures, fold-building and folding, shearing, gathering and winding wool, all of which industry was netting many of those supplies so bountifully consumed in that great old household.[11]

While most of the provision for the Northumberland household in the early sixteenth century was nicely estimated on a money basis, and cash was supplied to the earl's officers for securing it, a goodly part of the stock came directly from the demesnes. Thus £11 was paid for the making and hauling of all the hay used, growing on one hundred and four score and five acres of demesne at Wressil and Leckinfield; Percy had his cherished "Carr of Swans" at Leckinfield in Yorkshire, under a keeper

[11] *Household Books of Lord William Howard of Naworth Castle*, 36-41.

and under-keepers, from which were secured by warrant, twenty swans yearly, for garnishing seven annual festivals — Christmas, St. Stephen's, St. John's, Childermas, St. Thomas's, New-Year's, and Twelfth Night.[12]

Twenty parks in Northumberland, Yorkshire, and Cumberland supported, in 1512, five thousand five hundred and seventy-one red and fallow deer, while the earl had more park land in Sussex and other southern counties. This goodly store of venison was drawn upon, also by warrant, for festivals throughout the year — twenty-nine does in winter, and twenty bucks in summer, being the annual estimate.[13]

Northumberland had his dikes, or fish-ponds, under their keeper, and depended upon certain of his tenants for a constant

[12] *Northumberland Household Book*, 24-25, 206, 207. The form of the Warrant follows:

"WELBILOVIDE I grete youe wele Ande wol ande charge youe that ye deliver or caus to be delivert unto my welbilovide Servaunts Richerd Gowge Comptroller of my Hous Ande Gilbert Wedal Clarke of my Ketchinge For th' use ande expencis of my saide Hous nowe againste the Feest of Cristynmas next comynge Twentie SIGNETTES To be takenne of the Breide of my Swannes within my Carre of Aromme within my Lordschipe of Lekinfeld within the Countie of Yorke Whereof ye have the kepinge ANDE that ye caus the same to be delivert unto theme or to Oone of theme furthwith uppon the Sight herof ANDE this my Writinge for the Delyverie of the same shal be unto youe anempst me ande tofore myn Auditours at youre nexte accompte in this bihalve Sufficiaunte Warraunte ande Discharge GEVEN under my Signet and Singe Manuel at my Manoure of Lekinfeld the XXIJth daie of Novembre In the Vth Yere of the Reigne of our Soverigne Lorde Kinge Henry the VIIJ.th"

[13] *Ibid.*, 425-426. Parks such as these and rabbit warrens like those operated by the Earls of Rutland were very common in England. Harrison writes: "In euerie shire of England there is great plentie of parkes, whereof some here and there, to wit, welnere to the number of two hundred for hir daily prouision of that flesh apperteine to the prince, the rest to such of the nobilitie and gentlemen as haue their lands and patrimonies lieng in or neere vnto the same. I would gladlie haue set downe the iust number of these inclosures to be found in euerie countie: but sith I cannot so doo, it shall suffice to saie, that in Kent and Essex onelie are to the number of an hundred, and twentie in the bishoprike of Durham, wherein great plentie of fallow deere is cherished and kept. As for warrens of conies, I iudge them almost innumerable, and dailie like to increase, by reason that the blacke skins of those beasts are thought to counteruaile the prices of their naked carcasses, and this is onelie cause whie the graie are lesse esteemed." — *Description of England*, Holinshed, 1, 343.

supply of fish, ordering in 1512 ". . . that a Direccion be taken with my Lordes Tenauntes of Hergham and to be at a serteyn with theme that they shall serve my Lordes hous thrugheowt the Yere of all manar of FRESH WATER FYSCHE."[14]

In this household also, articles of lesser importance were supplied at home. The wine lees were saved for vinegar;[15] tallow from the slaughter-house, in part, sufficed for candle manufacture,[16] while a thrifty order was issued to the Cater in 1512, to the effect ". . . that from hensforth that theire be no HERBYS bought seinge that the Cookes may have herbes anewe in my Lordys Gardyns."[17]

If it were relatively easy to superintend and control such supplies as the demesne or tenants could furnish, the large outside buying always necessary to round out a year's quota of gross emptions was a difficult business, taxing all the ingenuity of a purveyor. The great objective with a lord, in foreign purchase, was ever, all goods at the best figure. Not a nobleman was there who would not have subscribed an eloquent approval to the advice Lord Burghley gave to his son in this matter.[18]

A prerequisite to wise buying was getting about the countryside expeditiously, therefore horses were always at a purveyor's disposal, and while he was on duty, his personal expenses were paid from the household budget. In 1512, Northumberland allowed 8d. per diem, in winter, for the keep of each man and horse engaged in purchasing supplies; in summer the rating was 2½d. a day, while 1d. a day was supposed to cover a day and night's grazing costs for one horse in pasture during buying operations. The rating was also established per week and per month, man and beast, for such terms of absence from home on purveyance,[19] while the round sum of £20 was the gross estimate of this necessary cost for one year.[20]

[14] *Northumberland Household Book*, 108.

[15] *Ibid.*, 57.

[16] *Ibid.*, 14-15.

[17] *Ibid.*, 108. See also above, Chapters II and IV, where John Howard, later Duke of Norfolk, secures goodly parts of his provision from his own estates.

[18] See above, Chapter caption. Note also Lord John Howard's haggling bargains — above, Chapter IV.

[19] *Northumberland Household Book*, 119.

[20] *Ibid.*, 23-24.

Throughout the entire Tudor period most outside buying was done at fairs and markets. In 1512, Northumberland compelled him ". . . that standes chargid with my Lordes house for the houll Yeir if he may possible Shall be at all Faires wheir the Groice Empcions shal be boughte for the house for the houlle Yeire. . . And if he may not Thanne to apointe the Clerke Comptroiller with such oither Persons as he thinkis good To go to the said Faires for bying of the forsaid Groice Empcions." [21] Almost one hundred years later, Richard Brathwait writes that the chief officers in an earl's household ". . . must be able to iudge, not onely of the prices, but also of the goodnes of all kindes of corne, Cattell, and other household privisions; and the better to enable themselves therto, are oftentimes to ride to Fayres and great markets, and ther to have conference with Graziers and Purveiors, being men of witt and experience, and of them to learne what places are fittest to make provisions at, and wher best to put off." [22] In fact, markets and fairs were two institutions which then flourished well, and fitted the convenience of most noblemen nicely, both as to place and season.

Of the former, Harrison affirms that there were ". . . few great townes in England, that haue not their weeklie markets, one or more granted from the prince, in which all maner of prouision for houshold is to be bought and sold, for ease and benefit of the countrie round about. Wherby as it cometh to passe that no buier shall make anie great iournie in the purueiance of his necessities: so no occupier shall haue occasion to trauell far off with his commodities. . ." [23] As with markets, so it was with the fairs, ". . . there are verie few of them (great towns) that haue not one or two faires or more within the compasse of the yeare assigned vnto them by the prince. And albeit that some of them are not much better than Lowse faire or the common kirkemesses beyond the sea, yet there are diuerse not inferiour to the greatest marts in Europe, as Sturbridge faire neere to Cambridge, Bristow faire, Bartholomew faire at London, Lin mart, Cold faire at Newport pond for cattell, and diuerse other, . . ."

[21] *Northumberland Household Book*, 407.

[22] Brathwait, 7.

[23] Harrison, *op. cit.*, 339.

There were fairs in every month of the twelve, and by no means counting all of them, some four hundred, according to Harrison, kept, in almost as many different places. May was the favored month with some seventy-two, while February fell lowest, with but five. Sunday, or a festival, was as auspicious an opening day as another — thus Salisbury ushers in Twelfth-day with a fair, Worcester inaugurates one on Palm Sunday, while Newcastle, and other towns as well, held them on Ascension day. Various of these fairs were of short duration; others, like that at Northalerton in Yorkshire, were recurrent periodically, that particular one holding every Wednesday from Christmas until June; still others were famous for some specialty — thus on Michaelmas Day at Malton, was "a noble horse faire."[24]

Noblemen usually patronized several different fairs even in the course of a year, and between them could get together a wide variety of household stuff. In the late 15th century, Lord John Howard of Stoke, in Suffolk, bought supplies at Stoke, "Wolpett" and Ely fairs, and at another called "oxsyn" fair. He relied upon these for part of his cattle and fish supply, and once for some cloth.[25] In 1513, the 5th Earl of Northumberland speaks simply of "fairs"; wherever these may have been, he had recourse to them for his wine, wax, beef, mutton, wheat, and malt.[26] In 1611-1612, the Earl of Rutland bought his hogs at Bingham fair, and his salt-fish, bay-salt, soap, starch, fish mats, pitch and tar, shovels and corn sacks, at Stourbridge.[27]

While a near-by fair was a handy asset to a neighborhood, as Harrison pointed out, some noblemen purchased supplies at remote centres, being influenced perhaps by the repute of the more distant marts. During the early 16th century, the Willoughbys of Wallaton in Nottinghamshire, whilst they made the usual purchases of cattle, cloth, spices, conserves, lenten food and kitchen utensils at fairs in adjacent counties, like Litchfield, Stourbridge, Lenton, Newark, Birmingham, Chesterfield, Adylton, "Goose-fair" (Nottingham), and Fazesley, also secured cattle

[24] Harrison, *op. cit.*, 343, 411-414.

[25] *Howard Household Books* (Collier), 99, 107, 187, 234, 286, 301, 307-308, 329.

[26] *Northumberland Household Book*, 407.

[27] *MSS. of Duke of Rutland*, 4, 480-486.

from Gravesend, Braksted, and Cowden fairs, in Kent, and from Wythyham fair, in Sussex.[28]

Transactions at fairs were frequently important and costly, while getting purchased stuff safely home was not the least of the work connected with such buying. On September 8, 1482, Master Brame, one of Lord John Howard's men, bought cattle at Wolpett fair — twenty-seven of the "grettest steres" and "vij steres of lene ware" (i.e. unfattened), paying for them £17:12s:7d.[29] The year following the Steward laid out £24:2s., at Ely fair, securing seventeen great oxen, four hundred fish, and six couple of great ling; the cattle had to be put in pasture one night, which, with their keep, cost 12d., while fetching them home, came to 6s:8d.[30] Subsequently to their purchase, Thomas Purcer and five other men, with fifteen horses, were sent after the fish; they were gone for two days, putting up along the route, at places like Bury, Lavnham, and Newton, for refreshment; at the fair they had to have a guide, whose service cost a penny, the "freight" of the fish amounted to 5s., which, with costs of men and horses, totaled 4s:9d.; Lord Howard had allowed a safe margin, giving to Percer 21s. for the job; at his home-coming, however, the latter promptly returned his cash in hand, and therewith with pronounced "quit."[31]

In 1542-43, purchases of fish and oil at Stourbridge fair aggregated £22:14s:1d., for the Willoughbys of Wallaton; carriage

[28] *MSS. of Lord Middleton*, Litchfield, 342, 351, 372, 380, 387. Stourbridge, 315, 316, 372, 387, 404, 432. Lenton, 332, 337, 374, 386, 435, 456. Goose Fair, 392. Newark, Birmingham, Chester, Adylton, Fazesley, 393.

[29] *Howard Household Books* (Collier), 107.

[30] *Ibid.*, 301. I append the following interesting bit from *Round About a Great Estate* by Richard Jefferies (First American Ed., 68-69): "In the old days, before folk got so choice of food and delicate of palate, there really seemed no limit to the strange things they ate. Before the railways were made, herds of cattle had of course to travel the roads, and often came great distances. The drovers were at the same time the hardiest and the roughest of men in that rough and hardy time. As night came on, after seeing their herd safe in a field, they naturally ate their supper at the adjacent inn. Then sometimes, as a dainty treat with which to finish his meal, a drover would call for a biscuit, large and hard, as broad as his hand, and, taking the tallow candle, proceed to drip the grease on it till it was well larded and soaked with the melted fat."

[31] *Howard Household Books*, 307-308.

home was done by one Michael Cossall, for 15s., while the costs of Ysebrand Barnaby and Thomas Hyde, at the fair, balanced at 12s:9d.[32] That same year, June 1st, one hundred and eighty hogs were bought at Adylton fair, in Yorkshire; ferriage had to be paid at Rotherham, over the Don, and "rewardes," "to the pynders helpynge to kepe the sayd hogges from the corne as they drove thorowe the feldes."[33]

Sometimes, where convenient, transportation home was entrusted to tenants. All the provisions which the Earls of Rutland bought at Stourbridge fair went by way of Deeping boats to Deeping, at 6s:8d. the load of twenty hundredweight; there tenants carted it to Uffington at 6s. the load; Uffington tenants saw it forward to Belvoir at 6d. the cart "and horse meat and man's meat at Belvoyre."[34]

Such parts of the year's supplies which were not, or could not be bought at fairs, were usually purchased at some neighboring market, or in the metropolis, simply out of hand, as chance offered; Lord John Howard dickered out many a bargain directly with farmers,[35] and Stewards doubtless resorted to the same measures; Brathwait, in fact, speaks of a "yeoman purveyor" who was to assist the officers in this wise — he was "to learne out such farmers as will serve in Corne, and to bring them to the officers to bargaine for so many quarters of Wheate, Malte, Pease, and Oates, as is thought needefull: these bargaines would be made in May or June, and the corne not to be received vntill November following, and afterwards monethly, as shall be agreed upon: but the whole monye, or the greatest parte therof, would be paide at the making of the bargaine, for so may the Corne be boughte the better cheaper, provided that the Farmers be men of honesty and abillitye, and that they stande bounde to deliver in the Corne sweete and good, dried, and maulted, marketable with the best."[36]

Lord John Howard frequently made purchases at Colchester, while his wine and spice stores were secured at London.[37] In

[32] *Lord Middleton's MSS.*, 387.

[33] *Ibid.* (The costs have been torn from the MSS. — EDITOR).

[34] Treatise on Provisions, *MSS. of the Duke of Rutland*, 4, 481.

[35] See above, Chapter IV.

[36] Brathwait, 34.

[37] See above, Chapter IV.

1611, the Earl of Rutland bought Lent provision at Lynn Mart, whence it was conveyed to Brigge, and from there transported to Belvoir, by his Grace's tenants of Rapsley.[38] He went to Boston for his white and claret wine, vinegar, white salt, and iron — the latter "provision for the pharryar is made at Boston of Dansk (i.e. Danzig) or Spanish iron at £18 the tunne; my Lordes proportion yearly being Xc. or half a tunne." The year's supply of sack, Muscadine and Rhenish wines, of spices and fruit, torches and drinking glasses, were fetched from London; still other necessities — glass and birch brooms — were got at Newark, while the ". . . great well rope, being 70 yeardes, costes at Nottingham 33s. the small rope for the same being 360 yeardes, costes 18s." [39]

At the time the officers charged with supplying the house were given their gross emption lists, Michaelmas, at the commencement of the household year — purveyance began, and was continually under way, through the season. Much of the "store food" naturally, had to be secured at a particular date, or bought up at a sacrifice, if at all, while again, the exigencies of storage, or mere convenience, influenced purchase. Thus the Earl of Northumberland, in buying his beef, divided the purchase into two lots, one hundred and nine fat cattle being secured at Hallowe'en, which were "spent" from then till the following midsummer; at St. Helen's day, in May, the remainder — twenty-four lean beeves, was bought up to be fattened in the home pastures for use through the summer months. Mutton, fat and lean, was also handled after this same fashion.[40]

Likewise, the Earl of Rutland, in 1611 bought his hogs, which had to be wintered, late in the fall — October — and his beef on May-day; part of the latter stock were oxen, which were first used for draught, when they were wintered and slaughtered from Christmas to Lamas. The rest of the beef were young steers and heifers, fattened for meat in one of the demesne parks.[41]

Lenten food, again, had to be procured by a specified time — it must be seasonably at hand for use, yet there was no economy

[38] *MSS. of the Duke of Rutland*, 4, 481.

[39] Treatise on Provisions, *MSS. of the Duke of Rutland*, 4, 480-486.

[40] *Northumberland Household Book*, 4-5.

[41] Treatise on Provisions, *MSS. of the Duke of Rutland*, 4, 480-481.

in storing it longer than was necessary, so that Michaelmas, or Candlemas, was timely date for its purchase.[42]

Notwithstanding the inflexible operation of these forces, which could not well be overcome, it was, nevertheless, possible so to divide buying operations, that all the work and expense of purveyance were distributed. In 1512, Northumberland had provided for four large annual payments from his coffers, to cover his entire provisioning expenses; these four budgets in turn, were sub-divided into ten sums, running throughout the year; they fell due, as payments for food, at Michaelmas, Hallowe'en, St. Andrew's, Christmas, Candlemas, Lady-Day, Easter, St. Helen's, Midsummer, and Lamas; on, or between these dates, certain specified spplies had to be laid in. Thus, on Lady-Day, a large payment, as they ran — £158: 19s: 1d, fell due; it sufficed to cover part of the annual purchase of wheat, malt, wine, hops, honey, oil, white salt, vinegar, mustard, spice, and coal.[43]

When supplies commenced to come in, it fell to the Comptroller, assisted by the Clerks of the Kitchen, or similar officers, to manage the safe bestowal of everything, and notwithstanding the fact, that most purchases were contracted either by the lord himself, or his superior officers of household, the first duty of the Comptroller, upon receipt of goods, was to make a careful inspection, to insure against short dealing; Northumberland orders his clerks to ". . . see surely that every Grosse Empcion that is bought for th' expensis of my Lordis hous be brought in and to see whether it be abil Stuf or not after the price that is set upon it or (i.e., e'er) it be entered or occupyed"[44] (i.e., stored away). Further, these same officers were to ". . . see all manar off Grosse Empcions that ar boght to be entred furthwith in the Jornall Booke when thei ar bought."[45] This was a long ob-

[42] The 5th Earl of Northumberland and the Earl of Rutland both secured Lent food on this date.

[43] *Northumberland Household Book*, 31. Note also that the food purchases for Lord William Howard of Naworth run right through every month of the year. See his *Household Books*, 25-26, 44-48, 65-66, *e.g.*

[44] *Northumberland Household Book*, 62.

[45] *Ibid.*, 61. The Earl of Derby evidenced a special solicitude for his grain supplies — "IT'M the Yeoman of my Lo. his gard'n shall take into my Lo. his house noe sorte of Grayne but the Cheefe officer for the tyme attendinge shall see and vewe by what measure it is bought and cometh in to thende the said yeoman maye bee accomptante therefore accordinlye and

served precaution; Brathwait also writes, "When corne or Cattell are brought home, the saide Officers are presently to view the same, and then to take the particular prices of every thing, and to commend or disallow as ther is cause. . ." [46]

Once favorably passed upon, the supplies next fell to the particular charge of the different officers instituted for that purpose — all, however, still under the surveillance of the Comptroller and his servitors. Customarily, there were eight offices for the receipt and storage of supplies — food, fuel, and light, each presided over by a Yeoman and a Groom, carefully chosen and trained to the duties of their posts. These were the Garner or Granery, Cellar, Buttery, Larder, Pantry, Ewery, Scullery, and the Wood-yard.

Into the Garner were delivered all the grains — wheat, oats, barley, rye, malt, pease, beans and vetches, as they came in, duly inspected by the officers, either from the demesne farms or by purchase; whereupon, after the picturesque directions laid down for the garner-men, the wheat was strewn thinly on the floor "like to the waves of a small river, waved with a soft wind." It had to be stirred frequently until thoroughly dried so as to prevent heating. Malt, if nicely dried, was stacked in great heaps, but even so, it too, demanded watching — if its precincts were not cleanly swept, and the grain often turned up with shovels, weevils bred in it, and the pest, once established, were exceedingly hard to eradicate. Pease moulded unless looked to; treading on them prevented that calamity; oats, in their turn, were apt to get "fusty," so that, with all, these officers were well occupied men, at least, in season.

All the wine store was carefully placed in the cellar, and protected against "taking air." An expert Yeoman for the Cellar was a man "not given to rioting, but frugall and sparing, experienced to make choice of wines, and so skilfull in tast, that he may be able to judge which wines are to be first spent, and which last kept." He must watch his Groom, to see that the cellar plate was "fair kept, and orderly placed in the plate chests and upon the cubbards," counting the same, morning and evening, and at once notifying the officers and instituting search, if any

that all bee deliu'ed by hime by Ormeschurche measure onlie." — *Stanley Papers*, Part 2, 21.

[46] Brathwait, 7.

piece were missing. "His office must be cleanly kept, and swete, none being suffered to breake their fastes therein, except they be strangers of great accompt."

The Buttery was the storehouse for brewed liquors, especially beers and ales. When the supplies were coming in, the groom of that office placed the hogsheads well, and after the beer "spurged" or defecated, saw to it that the casks didn't leak, and that they were well stopped with clay and bay salt; this done, and his ale "yeasted and covered," he was assured of being able to draw out his full number of gallons for service. As each brew came in, one tun, at least, was selected for the special use of the master of the house; this was not to be drawn on "much past the mid barre." This office, like the cellar, was an attractive locus in the castle, and its Yeoman had to be advised "to avoid carousinge and to keep his office private to himself." Well equipped houses had an outer buttery, where strangers were given drink, the house Yeomen and Grooms accompanying them, otherwise the latter quenched their thirsts "at the barre," and none but the chief officers were allowed in the room where the liquor was stored. The Yeoman of the Buttery saw "his buttery plate, stone Juggs, and blacke Jacks, to be faire and sweete kept" — which work was the Groom's, as well as keeping the office clean, broaching the barrels, and serving out the liquor.

The dressed meats, fish, fresh and salt, butter, eggs, milk, herbs for seasoning, together with the salt, oatmeal, and other like food stuffs, were all kept in dry and wet larders, under the Yeoman of the Larder, who was perhaps the Yeoman of the Slaughter-house as well. He had "to be carefull that all kindes of meate both in slaughter house and wet larder, be kepte safe from doggs, catts, and other vermine, and that noe powdered meates be lost throughe want of well salting and good keeping. . ." Cured fish, like ling and habberdine, was not simply to be stored up till needed for use, it had to be taken out and aired carefully, in March and October, and not spent until the third year.[47]

In every household, bread of various kinds, manchet, cheat, household, trencher, and sippet or dredge,[48] was baked in large

[47] Treatise on Provisions, *MSS. of Duke of Rutland*, 4, 481.

[48] See Appendix C for a contemporary description of these different sorts of bread.

quantities weekly; the entire stock was at once turned over to the Pantlers, Yeoman and Groom, "by tale" . . . "and if the loaves be lesse than the size set downe by the officers, or that the breade be not well seasoned, or ill baked," straightway were the bakers to be informed thereof, and the fault amended. In addition to the bread, these officers were responsible for the salts, spoons and knives, keeping the same clean and accountable for every one of them.

The household stock of linen — napkins, table-cloths, cupboard cloths, and serving towels, along with plate, like the ewers, or hand basins used for washing before and after meals, and the candlesticks, with all manner of lights — tallow, Paris candles and torches, were deposited in the ewery, under charge of the servitors of that office. The Yeomen and Grooms who looked after the plate and table-linens, had no light task, for in great households these goods were stored up in immense quantities. In 1469, George, Duke of Clarence purchased in his year's supply of linen, three hundred and fifty ells of Holland, forty ells of "Naperie of Devaunt," fifty ells of "Naperie of Parice," fifty ells of diaper, fifty ells of towels, three dozen napkins, and one dozen "Napkyns of Parice."[49] The whole cost him no less than £58: 15s: 8d.

In 1561, Edward, Earl of Derby laid out £51: 11s: 4d. in like manner.[50] While pewter plate was very extensively used, sumptuous ware in silver, silver gilt, and even in gold, was common enough in some of these great houses. Harrison, writing of the English nobleman's manner of dining declares that "The chiefe part likewise of their dailie prouision is brought in before them (commonlie in siluer vessell if they be of the degree of barons, bishops and vpwards) . . ." and "As for drinke it is vsuallie filled in pots, gobblets, iugs, bols of siluer in noble mens houses, also in fine Venice glasses of all formes, . . ."[51]

In 1535, the Duke of Suffolk owned among other plate, the following rich pieces — of cellar plate, twenty-nine bowls, the heaviest weighing fifty-two ounces, one cup with a cover, one with a scallop shell, one "with liberties heddes" weighing fifty ounces,

[49] *Royal Household Ordinances*, 103-104.
[50] *Stanley Papers*, Part 2, 4.
[51] Holinshed, 1, 280.

and a cup of assay; twelve pots, including two with angels in the covers, two of antique work, and two with dolphins, weighing one hundred and twenty-eight ounces each. The ewery outfit consisted of six basins and ewers, gilt, the heaviest, one hundred and forty-five ounces, and fourteen candlesticks. In the scullery were two chargers, twelve platters, two dozen saucers, and three dozen dishes. The pantry contained four square salts, two bell salts with covers, one salt of roses, one "salt of gold holden with (i.e. by) a shepherd and sett with perle and stone," and one "salt of gold like a shippe, with perle and stone"; twenty-one spoons, three dozen and one trenchers, while, in addition to these, there were two cruets of gold weighing twelve ounces, silver vessel weighing 1,467 ounces, 4,260 ounces of gilt plate, and fifty-six ounces of gold plate, the latter alone being valued by the appraisers at £112, while his lordship's entire stock was by estimate worth £1,475.[52]

The scullery was under Yeoman and Groom who were "to be men not onely diligent and painefull, but also honest and carefull, after every meale to gather into their office the silver and pewter vessels, and before they goe to scowring or washing, certainely to number them, that none be missing; if any be, presently to acquainte the clerke of the kitchen therewith, and every night to carry all the Silver vessell either to the Clarkes chamber, or to such a strong and safe place as shall be appointed for the same to stand in." Above all they dared not be dilatory in dressing up their plate; they must be ready on call ". . . for the vessel cominge hotte from the water they bee clensed in, and presentlie to bee servide, is neather good nor wholesome. . ." These busy officers kept the sauces also — vinegar, verjuice, and mustard, and the Earl of Northumberland was careful to appoint a scullery Groom who could mix the latter favorite condiment properly, to avoid its purchase from a "sawcemaker."[53]

The wood-yard stored all the fuel, and might be under the regulation Yeoman and Groom, or a clerk, assisted by the Ushers and Groom of the Hall.[54] If, as was usually the case, much of

[52] *Grimsthorpe House Papers*, 452-453. "1535, December 18. — The Remayn of plate taken at Southwark on this date. . ." Plate like this was common in most of the great households.

[53] *Northumberland Household Book*, 173.

[54] *Ibid.*, 72.

the stock were purveyed from a lord's own forests, then these men perchance, were charged with the supervision of its preparation. In Northumberland's establishment, when the hard wood was brought home, these officers saw every "hundred" riven into three hundred "shides," each a yard long and a span broad, and nicked with an axe, once, twice or thrice — so that in delivering out the wood for consumption, it was possible to tell how far each hundred went.

Beside the bulk food or gross emptions, purchased in large amounts, each household was regularly supplied with "fresh acates," or "cates" as they frequently were called, which might be toothsome dainties, especially offered by the season, or any sort of common provision, as meat, fish or vegetables, butter, eggs or cheese, bought up for use at once.[55]

This kind of food which enriched at least the menu of the lord himself and his principal officers, was an expensive part of the supplies, and a special purveyor, the Cator, or Achator, attended to its purchase. In 1469, George, Duke of Clarence spent £608: 6s: 8d. annually for ". . . freshe acates and deynties, bothe of flesshe and fisshe, by reasonable estimation." — an average daily outlay of 33s: 4d.[56] The Earl of Northumberland counted on spending £105: 15s: 4d. for "Cator Parcels" as these items were called, in 1512-1513,[57] while in 1561, Edward, Earl of Derby laid out £357: 5s: 8½d., out of which £20: 14s: 7d., went for cheese and butter alone. His son, the Earl Henry paid for like food £50: 9s: 4d., from May 7th to July 19th, of 1587, an average of £4 (plus) per week, the particular sums varying weekly from £8: 14s: 8½d. to 42s: 1d.[58] Still later, in 1611, similar food cost Lord William Howard of Naworth, £89: 16s: 7d.[59]

The Cator, like all officers charged with a responsibility, and especially a trust involving money-handling, had to be carefully chosen — "He should be a man skilfull and of good conscience, for if he want knowledge and iudgement to buy at the best

[55] See Appendix D.

[56] *Royal Household Ordinances*, 102.

[57] *Northumberland Household Book*, 26.

[58] *Stanley Papers*, Part 2, 5, 28, 33.

[59] *Household Books of Lord William Howard of Naworth Castle*, 20 *et seq.*

hande, and withall have a cheverell conscience, so that he will be sure in the laying out of every shilling to gaine to himselfe a penny at the least; such a man in a great house will thrive himselfe, but his Lorde shall lose. . . I say noe more but God make him an honest man.''[60]

The Cator's particular work is described by a contemporary as follows: ''He is to inquire and looke for in the countrie, as he travelleth, what dainties there bee, as younge chickines, pidgeons, or suche like, at the first comminge of them, and likewise for fowle and fishe, of all sortes, accordinge to the seasonne of the yeare, and to bee acquainted with such foullers and fishers, as bee the best takers of foule and fishe, to bee accustomede with them so shall hee bee the best servide, and before others; and to have a speciall care that such dead foule and fishe, as hee buyeth, bee newe taken, sweete and goode, for ells it is not serviceable, but monye loste, so bistowede.''[61] Sometimes, however, it proved convenient to entrust other little purchases to the Cator, since he went about daily. This was very customary with the Willoughbys at Wallaton, whose Cator at different times fetched home crockery ware, ''glass for the musician's chamber,'' salts for the Hall, cloth, match and gunpowder, small pins, ink, soap, or so miscellaneous a budget as that brought in on November 28th, 1573, made up of pans, chafing dishes, chamber pots, scummers, ladle, frying pans, platters, dishes, saucers, candlewick, well rope, clock rope, traces, halters, whipcord, etc.[62]

However adept a Cator proved himself to be, he seldom went about the purchase of food on his own responsibility. Regularly, each day or week, as the case might be, he received a written order, usually from the Clerk of the Kitchen, or Comptroller, relating the items he was to buy. To do this ordering well, both these other officers likewise had to know this side of purveyance thoroughly; in fact one of the regular duties of the Clerk of the Kitchen was to keep instructed about markets and goods: ''So often as he can have convenient leasure, himselfe is to goe into the market, and ther to cheapen and vnderstand the prices of all Achates, . . .''[63] The Comptroller was

[60] Brathwait, 34.

[61] Breviate, 339.

[62] *MSS. of Lord Middleton*, 425, 434, 438, 441, etc.

[63] Brathwait, 19.

equally as experienced if not more so — "Hee is to see into the seasonnes of the yeare, that what first reneweth, and is most rare and daintie, may bee gott, and that choice of those necessarie provisions bee provided for with varietie of dressinge for the lordes diete." [64]

Sometimes Clerk and Comptroller worked together in this labour, and they might have their responsibilities in regard to Cator parcels considerably lightened through orders received directly from the master of the house himself. In Northumberland's establishment, these two servants dispensed his funds to the Cator monthly. Beforehand, however, the earl and his council had determined just the amounts of these monthly payments, what was to be purchased with them, and where much of the stuff was to be got; thus the parcels, chiefly of birds, to be secured weekly, monthly, and for the principal feasts, were all tabulated; [65] the Cator was instructed to contract for milk and eggs by the year,[66] swans were to be secured from the estates, being paid for, after the market rate.[67] Wild fowl he must get ". . . at the firste hand where they be gotten. . . For it is thought that the Pulters of Hemmyngburghe and Clif haithe great Advauntage of my Lorde Yerelie of selling of Cunyes and Wilde Fowel." [68] And lastly, he was caused to ". . . goo abrode to the Contry weikly for byinge of Stuf in suche Places as it is thoght it shal be best cheip and to by it seldomest about where my Lorde lyith except it may be had as good chepe there as other where." [69]

While the Cator was in service daily, his work varied in extent with the season of the year, festivals making the heaviest demand upon his time. Thus, in Northumberland's household, the total amount to be spent upon this sort of food in 1512, was divided into monthly payments, according to the estimated needs of each month — January, with Twelfth-day, cost the purse £23: 22d.; December fell to £17: 9s.; April, that year, with Easter and St. George's day, was allowed £9: 19s.: 5d.; June,

[64] Breviate, 318.
[65] *Northumberland Household Book*, 102-107.
[66] *Ibid.*, 108.
[67] *Northumberland Household Book*, 103.
[68] *Ibid.*, 184.
[69] *Ibid.*, 63.

with Whitsunday, £9: 11s: 8d.; while the other months ran from 100s. to about 66s. apiece.[70]

When the Cator's stuff came in, it was transferred to the Yeoman of the Larder, after first passing a careful muster before the Clerk of the Kitchen and the Comptroller, or other equally responsible officers, for, as Brathwaith declares ". . . I have knowne some cunning Achators that would decieve both Officers and Clarke, if they were not very heedeful."[71]

In Northumberland's establishment, here as everywhere, the utmost care was exercised regarding provision of this sort. In 1512, his Grace ordered "ITEM that oone of the Clerkis of the Countynghous luke dayly upon the Catorer's Stuf that he bryngyth in and that it be broght up into the Countynghous and if it be not able Stuf nor worth the price that he sittythe upon it to delyver it hym again and not to be receyved ne occupied for my Lordis use." And again—"ITEM that if the said Clerkis of the Brevements see the Catorer raise his prices of his Stuf otherwise than he was wont to doo then thay to reason with hym upon it And if thay see good caus why it shuld be raysed so to allowe it and if not to abait his price accordinge as it is worth.[72]

His goods passed upon, the Cator was then compelled to enter his items each morning at the general accounting, or else at night.[73] This was done under the eye of the Clerk Comptroller who was every day to ". . . se the Caitour Parcells enterid bitwixt the houres of vij and viijth o'th cloike And that he suffer not the Caitour to enter noo Parcells but that he knowes surely he dede bringe in And to se the said Parcells him selve examonid or he suffer theim to be enterid into the Jornall Booke. . ."[74] Finally, the parcels were ". . . cast up every moneth to knowe whoether they doo lak of the Somme

[70] *Ibid.*, 26.

[71] Brathwait says of the Clark's duties: "He is diligently to view over all the Achates brought in by the Achator, and to take his Bills of the prices so soone as possibly he can." 19, 8.

Breviate, on Comptroller's duties: "He is to take the weekelie accompte of the clarke of the kittchine, so well by journall, as the cator's accompt or chardge. . ." 318.

[72] *Northumberland Household Book*, 63.

[73] *Ibid.*, 62.

[74] *Ibid.*, 408-409.

that is assign'd for theym or ells they excede above the said Somme."[75] Henry, Earl of Derby also ordered all his acates paid for every week, and accounts of their purchase given weekly to the household clerks — ". . . otherwise," he declares "the p'ces (prices) wilbe farre higher and his Lo. worse served."[76]

Naturally, if a lord so desired, he personally could both instruct and pay his Cator, and attend to his accounting himself. Very frequently, Lord John Howard, Duke of Norfolk, or her Grace, his lady, assumed such work — thus the Steward writes under 9th December, 1482, "The same day, my Lord paid to Rychard Wulman for cattes come in afor Saturday nyght, 37s."[77] — or, under 2nd January, 1483 ". . . my Lorde rekened with the Catour, and it drawe to hym dewe unto Saterday last past 35s.: 7d. And so he is al paid to Saterday last past."[78]

In conclusion, regarding food supplies, very frequently some delicate morsel was furnished to a lord's board, through the exceedingly prevalent custom among the noblemen themselves, of exchanging food gifts, or in their receipt of such presents, sometimes from very humble, but grateful folks; whoever the the donor, he or his servant presenting the gift, was always rewarded by the recipient. So frequent was this pleasant practice, that most household books had their special ledger pages, captioned "Gyftes and Rewardes," whereon among others, these food items were inscribed, with their recompense.

During 1560, the Bertie Household at Grimsthorpe "rewarded" at least these following — "Mr. John Harrington's man . . . which brought in present a shield of brawne and puddings." " . . . a man of my Lord Clinton's which brought a feasant and three partridges; sondrye wyves which brought presentes uppon twelfe daye." "Mr. Gwevaras man which brought two oxen in present from his master."[79]

The Earls of Rutland, at Belvoir, also, were constantly receiving all sorts of food gifts from about the neighborhood.

[75] *Ibid.*, 65.

[76] *Stanley Papers*, Part 2, 21.

[77] *Howard Household Books* (Collier), 138.

[78] *Ibid.*, 147. See also, in the same accounts, 155, 165, 168, 172, 185, 186, 188, 199, 207, 227, 282, 283, 286, 289, 291, etc.

[79] *Grimsthorpe House Papers*, Household Accounts.

Through several years such presents included large amounts of venison, boars, many varities of fish and fowls, among which were frequently porpoise and bustard, and once a seal; fruit in plenty, including cherries, apples, pears, grapes, strawberries, gooseberries, and even prepared dishes, like crane pasties. Some of the more notable folk making these gifts were the Earl of Northumberland, the Abbots of Warden, Waltham, Peterboro and Crowland, which latter dignitary once presented the earl with "2 fat cygnets, 2 bittern, and 2 heronsews" — the Parsons of Rapsley and Waltham, the Vicar of Ryall, A Hermit of Alhallows, who, fitly enough, sent into the great house honey and gooseberries — Lady and Sir John Markham, Sir Bryan Stapleton, Sir John Willoughby, Lord Latimer, Lady Coffyn and many others.[80]

Presents like these were made at any time; but it was also the custom to send in gifts to a household about to entertain, or forced to a heavy expenditure through some unusual event, like a funeral, perhaps. Thus, to this same household, when the Earl Roger was buried, July 22nd, 1612, several men, all but one of whom were squires, sent swans, bucks and artichokes.[81] Against the sumptuous entertainment provided for King James, at Belvoir, which endured for fifteen days, commencing August 7th, 1612, numerous bucks, stags, muttons, fowls, together with fruit — plums and pears, were thoughtfully donated by some twenty-five different men, most of whom were knights, while two were earls — their Graces of Lincoln and Huntington. On both these occasions suitable rewards were paid on receipt of the presents, those for the latter entertainment amounting to no less than £34:6s.[82]

While not incharged directly with the purchase or storage of food and supplies, an interesting and highly important band of servitors, the "Kitcheners," or cooks, with their assistants, who prepared the food, stood in close relation with the household men who were thus employed. The number of Yeomen and Groom Cooks with their assistants, usually children, varied widely in different establishments. Kitchen work in the Northum-

[80] *MSS. of Duke of Rutland*, 4, 265-340.
[81] *Ibid.*, 487. See also 489-490.
[82] *Ibid.*, 487.

berland household required, early in the 16th century, all the time of a "yeoman cook of the mouth," as he was quaintly called, "Who doith hourely attend in the Kitching at the Haistry for roisting of Meat at Braikefestis and Meallis." Under him were the Groom Cook, who dressed the meats, and two children of the kitchen, one of which latter was on duty "for turnyng of Broches Ande for maiking clean ande sweping of the Kiching," while his little companion was responsible "for keping of the Vessell Ande for maiking clean of the saide vessell in the Squillary."[83] In 1539, the Earl of Rutland paid wages to a little group of eight men — two Yeomen Cooks, four Grooms, one of whom moved under the somewhat elemental appellation of Gudluke Worme, and two Scullery hands — William Greybeard and Henry Green.[84] In 1587, the splendid Household of Henry, Earl of Derby, enrolled ten men in its kitchen and scullery service.[85]

All of these servitors were under the control of the head officers of the household — the Steward, Comptroller and Clerks of the Kitchen — and received their daily orders from them. In 1568, Edward, Earl of Derby ruled that all the ". . . Cookes and Undercookes shall obey all and ev'ry the Orders to be appoynted to theyme by the Steward, Clerk Compt', and Clerkes of the Kytchyn, as they will avoyde my L. his displeasure."[86] Which terse regulations were in force universally.[87]

Under strict surveillance, the greatest care was exercised in selecting men for this work, the rules applying thereto suggesting at once some of the nauseating and even dangerous risks chancing from an incompetent or untrustworthy service. In 1568, Edward, Earl of Derby ordered — "Item, that the Maister and Cokes shall awayte quarterlie and but one of theym at ones, and that the same so waytyng shall not suffre anie under cooke or boye to dresse anie of my L. meate for his Lordshyppes own Table but they onely to do the same wth theyr own handes as they wyll for the same avoyd his L. dyspleasure, and allso that they shall not suffre anie to be in the kytchyn whe'e my L. meate

[83] *Northumberland Household Book*, 325, 308.
[84] *MSS. of Duke of Rutland*, 4, 298-299.
[85] *Stanley Papers*, Part 2, 25.
[86] *Ibid.*, 9.
[87] Brathwait, 19, 33. Breviate, *Archaeologia*, XIII, 335-336.

shall be dressed but suche as shall there be allowed to make ffyres and turne the Broches and other necessarie helpes there and that th assaye shall be taken at the kytchyn." "Item that there shall be no resorte into anie place of the kytchin by anie other but suche as be there allowed and apperteyninge to that Offyce." [88]

Even in the royal household, idle, dirty habits on the part of some of the kitcheners had to be guarded against. In some regulations drawn up by King Henry the 8th, with his Council, in the 22nd year of his Majesty's reign, it was enjoined, among other orders: "Cap. 37. Master-cooks shall employ such scullions as shall not go about naked, nor lie all night on the ground before the kitchen-fire."! [89]

Brathwait, as usual, draws a somewhat realistic characterization of the Master Cook; he ". . . should be a man of yeares, well experienced, wherby the yonger cookes will be drawne the better to obey his directions. . . In ancient times they used to have their hayrres on their heade close cut and neare; and in like sorte their bearde, or els to be shaven: not to weare long glibbes full of sweate and filth, as many in these dayes doe; for good and painefull Cookes have not leasure dayly to kombe and trimme their hayre, but onely to wash their face and handes, to be cleane; for a carefull Cooke will thincke it is a great shame and disgrace to him, that an hayre should be founde in any dish by him set owt; for albeit the yonger Cookes both dresse and dish many of the dishes served to the Earles messe, yet ought the Master Cooke well to view them, and also to tast every of them before he suffer them to be served forth. Many Cookes are given to be great drinckers, wastefull and testye; therefore that Nobleman that hath one that is honest, sober, and frugall, is to esteeme him as a Jewell." [90]

The only touch added by the contemporary author of the Breviate, is an injunction that the Cooks be discreet and diligent in their offices ". . . for that nothinge preserveth his lordes health more than the clenlie and wholesome dressinge the sayd meate, and they to bee private, and none to bee by, or privie to

[88] *Stanley Papers*, Part 2, 8-9.
[89] *Archaeologia*, III, 155.
[90] Brathwait, 31-32.

the usage therof, but the clarke of the kittchinge, the stewarde, or the comptroller, therefore they are to keepe theire offices, vidz. the kittchine, pastree, and the boylinge place, onlie to themselves, the better they shall attend theire service to the lorde, for if any thinge bee amisse, the blame is theirs, wherefore the kittchine dore is to bee kepe lockte, that none bee there to trouble them, nor hanginge over the meate, which is most uncomly and dangerous."[91]

No less care was bestowed upon the problem of supply consumption than was accorded the purchase, receipt and storage of stock; the whole process was carefully systematized and heavily fortified with rules, checks and counter-checks, so numerous were the temptations and the opportunities for dishonesty, and so wide the division of responsibility. Every servant in control

[91] Breviate, *Archaeologia*, XIII, 335-336. John Earle, in his *Microcosmographie* (1628), writes of "A Cooke" as follows:

"The Kitchin is his Hell, and hee the Diuell in it, where his meate and he frye together. His Reuennues are showr'd downe from the fat of the Land, and he enterlards his owne grease among to helpe the drippings. Colericke hee is, not by nature so much as his Art, and it is a shrewd temptation that the chopping knife is so neare. His weapons ofter offensiue, are a messe of hot broth and scalding water, and woe bee to him that comes in his way. In the Kitchin he will domineere, and rule the roste, in spight of his Master, and Curses is the very Dialect of his Calling. His labour is meere blustering and furie, and his Speech like that of Sailors in a storme, a thousand businesses at once, yet in all this tumult hee do's not loue combustion, but will bee the first man that shall goe and quench it. Hee is neuer good Christian till a hizzing Pot of Ale has slak't him, like Water cast on a firebrand, and for that time hee is tame and dispossest. His cunning is not small in Architecture, for hee builds strange Fabricks in Paste, Towres and Castles, which are offered to the assault of valiant teeth, and like Darius his Pallace, in one Banquet demolisht. Hee is a pittiless murderer of Innocents, and hee mangles poore foules with vnheard of tortures, and it is thought the Martyrs persecutions were deuised from hence, sure we are Saint Lawrence his Gridiron came out of his Kitchin. His best facultie is at the Dresser, where hee seemes to haue great skill in the Tractikes, ranging his Dishes in order, Militarie: and placing with great discretion in the fore-front meates more strong and hardy and the more cold and cowardly in the reare, as quaking Tarts, and quiuering Custards, and such milke sop Dishes which scape many times the fury of the encounter. But now the second Course is gone vp, and hee downe into the Sellar, where hee drinkes and sleepes till foure a clocke in the afternoone, and then returnes againe to his Regiment." — Arber's *English Reprints*, pp. 46-47 (Large Paper Edition).

of supplies, regularly accounted in a journal the exact amounts of provision he received, and what he delivered forth. If he could not write himself, then he either kept a "true tally," or some superior officer — the Clerk of the Kitchen, or the Clerk Comptroller entered his items for him.

Stock was always issued strictly according to the "Order of Household" — a series of rules for expenditure, drawn up in each establishment, usually by the lord himself, and his domestic council. These rules were frequently very detailed, often covering for the year, every variety of supply consumption, from Lenten breakfast menus, to the daily rations for the horses.[92] If there were any expenditure not so regulated in advance, such received attention each day from the Clerk Comptroller, who made "such allowances forthe of those provisions . . . as to his discretion shall seeme meete, so well to his lordes table, as all other places to him appointede by his lorde, ells where soever."

Dinners and suppers were repasts with flexible menus so that the arrangements for those meals fell to this officer, or to the Clerk of the Kitchen, or perhaps to a whole group of servitors connected with the culinary department, as in the household of George, Duke of Clarence, where it was ordered that ". . . the Steward, the Tresorer, the Countroller, the clerke of the kichyn, the marshalle, the ussher, pantrers, butlers, cookes, lardeners, catourers, and suche other officers, at twoe of the clocke at aftyrnoone, assemble in the halle, and there ordeigne the fare of the seide Duke and his household, for the souper the same nighte, and the next daye's dynner; and the marshalle or usher to bringe brede, wine, and ale, to the seid ordinaunce, accordinge to olde custome of the courte."[93] Edward, Earl of Derby, in 1568, commands his Comptroller and Clerk of the Kitchen ". . . allso to appoynt my L. ffare theym selves as they will avoyd his L. displeasure."[94]

[92] *Northumberland Household Book*; *Stanley Papers*, Part 2; *Household Accounts of the Duke of Clarence*, the Breviate, and Brathwait's Treatise, all contain such regulations.

[93] *Royal Household Ordinances*, 94. The wood-yard Yeoman had to see "that noe more be delivered out, either to the chambers or offices, but as it is allowed by the Officers;" however, "the Earles and Ladies chambers excepted, which are not to be stinted."

[94] *Stanley Papers*, Part 2, 9.

Every morning each Yeoman or Groom received his order from the Comptroller or Clerk of the Kitchen, for the day's deliveries. Thus the Pantlers regularly learned ". . . what breade is to be allowed into the gentlewomens chambers and the nurcery, as also into all other offices for drinckings, in morningys, evenings, and afternoons: and in the like sorte the yeoman of the Buttery is to doe for beere, and the yeoman of the Ewry for lightes." The slaughterman too, was so informed regarding his work. Some of the servitors were allowed a guarded discretion in issuing supplies — the Yeoman of the Cellar received his direction from the chief officers ". . . what wine he shall deliver to the gentlemens tables and to strangers; to the officers table he is to send as they send for it: The Earle or Ladies table is not to be stinted," but "He is to know when to be liberall and when sparing; for if vnder officers be men experienced and of good order, their doings will not only be profitable to their Lorde, but also set out the honour of his housekeeping." A good Buttery Yeoman was a man ". . . able to discerne at what time to use liberallitie, and when to deal more sparingly."

The order for each day filled and scheduled by every yeoman officer, none dared, under penalty, issue another thing from his stock but by a special command; in fact, except during the hours their servitors were on duty, offices were under lock and key. In 1469, George, Duke of Clarence ordered all offices "sparred" between eight and nine at night, and further, ". . . That no mannere man, of what degree soever he be, breake noe doores ne windowes, ne picke lockes, by nyght ne by daye, of any house of office, wherein the seid Duke's goodes lieth, withoute it be by commaundemente of the offices; uppon payne of lesinge of a monethes wages." [95]

In the Northumberland establishment, in 1512, the offices were closed during part of the day as well — ". . . all the Officers of Household bring upp there KEIS of ther Offices every night when my Lorde is servid for alle nighte into the Counting-hous AND that they have them not down unto the tyme that they have Brevidde (i.e. accounted for stock) in the mornying Withoute an Usher A Yoman of the Chaumber of (or?) an Heed Officer Servaunte com for them ANDE also that the saide Of-

[95] *Royal Household Ordinances*, 90-91.

ficers bryng up there saide KEIS into the Counting-hous every day when the Latter Dynner is doon And to fetche theim agayn at iij of the Cloek to serve for Drinkings."[96] The duty of seeing that the keys of each office were actually in after breakfast at nine, dinner at three, and liveries in the evening, devolved upon the Clerk Comptroller, who called for them, if they were not forth coming.[97]

Injunctions against the promiscuous use of any sort of provision, were insistent in every household. In 1469, the Duke of Clarence orders "that the ussher of the chambre shalle sette lyverey for alle night for the seid Duke, by vij or viij of the clocke at the ferthest, onlesse then there be cause to the contrarye; . . . and that noe lyverey be made after that the Duke is served for alle nyght; . . . uppon payne of losinge a dayes wages." A further ruling declares "That noe lyvereys of brede, wyne, ale, or vytell, be made oute of the halle to the stable, ne to none other office ne place, withoute cause reasonable; and alsoe by the oversight and commaundement of the hedde officers and the ministers, for the tyme beinge." The Groom-porter was to "fetche noe woode, white lightes, ne wax, more than reasonably ought to be spent, and that by oversight of the ussher of the chambre; and that he delyver noe torche . . . of the place withoute commaundmente of the hedde officers or usshers; and that he bringe dayly the torches . . . afore noone to the chaundry to be weyed: and as often as he offendeth thereof, to leese a dayes wages."[98]

Identical ordinances were formulated in the Northumberland household in 1512; if any servitor's stock issues passed above the normal, and he could show no legitimate reason therefor, the accounting officers checked it as a "deficient" and the culprit was called to explain himself.[99] No records of wine served by the cellar officers for "drinkings" or to the Great Chamber, were passed except such as were certified by accounts of receipts kept by the Ushers of the Hall and of the Chamber, which latter officers had to be present at the accountings.[100] The accountant

[96] *Northumberland Household Book*, 163-164.
[97] *Ibid.*, 409.
[98] *Royal Household Ordinances*, 90, 91.
[99] *Northumberland Household Book*, 160.
[100] *Ibid.*, 160.

Clerks were bound to ". . . Allowe no BRAIKEFASTS that ar servid by any Officer But suich as ar appointed in the Bille of Braikefasts Excepte it be by the Comaundement of an Heade Officer an Usher of the Chaumber or of the Hall."[101] The very same law applied to liveries.[102]

The records of receipt and outlay, daily kept by all the officers of provisions, served as a control over supply expenditure, at least from one end of the system; other accounts of prepared food, about to be served forth, were likewise written daily by a different group of officers; a comparison of these two sets of books, unless fraud were exceedingly clever, would probably reveal any deceit perpetrated. Either Gentlemen or Yeomen Ushers of the Great Chamber and Hall kept records for the Duke of Clarence, of bread, wine, ale and messes of meat, as spent, every day, at dinner and supper.[103] Northumberland's Ushers made similar records, while the earl compelled his ". . . Clerke Coumptroillour to be dailly at the Dressour to se the Service servid from the Dressour Bicause of Bribing of service at the Dreassour Viz. Bitwixt viijth and ixth o' th cloike in the mornyng to se the Brekefastis servid Bitwixt x and xjth o' th cloike on th' Etting Daies And bitwixt xjth and xijth of the Fasting Daies to se the Dynner servid And bitwixt iiij and v o' th cloike at after Dynner to se the Souper servid."[104]

Finally, at no time in the course of provision handling, were servants left to their own devices; superior officers — the Comptroller, or the Clerks of the Kitchen, were in constant round of inspection; each office in the house was visited, its condition estimated, and accounts surveyed. The overseer's aim was always, in the words of Northumberland's regulation to ". . . see that the service that is appointed in the Booke of Direccions for th' Expensez of my Loordes Hous be observed and kept withoute inbridgementt ande to be examyned every day what lakks thereof to the ententt that the Officers shall not parlune it to there prouffitt if there be any butt that it rynne oonely to my Loordes prouffit."[105]

[101] *Northumberland Household Book*, 161.
[102] *Ibid.*, 161.
[103] *Royal Household Ordinances*, 91.
[104] *Northumberland Household Book*, 409.
[105] *Northumberland Household Book*, 115.

Surveillance commenced in the early morning, at six o'clock in this establishment, when the Larderer and Cooks were called out and the officers saw them strike out the services of food for the day as appointed, ". . . to th' ententt that they shall nather maike it lesse nor more for excedinge Bott accordynge to the Order of the Book."[106] In their rounds they attended to so minute a care as measuring the pots and cans of the cellar and buttery, so that if the officers asked for a larger allowance of liquor than the vessels would warrant, the mis-dealing would be discovered and the "deficient" promptly recorded.[107] Were there a baking on, the Clerk Comptroller would be at hand ". . . to see the Breid weaid that it keape the weight according to the said stinte in the saide Booke of Ordours." Further, this same ubiquitous man daily had ". . . an Ey to the Slaighter Hous at all tymes whenne any Viaundes shall be slaine their And their to se the Suette clynne taikynne owt withoute any Bribe And their weaid and brought into the Storehouse belonging the Countinghouse and from thens by the Clerks delivert to the Chaundler be weighte from tyme to tyme at (as) he shall occupie it And also that he se the Slaighter Manne maike the Vaillis (i.e. rewards) noo larger thanne he ought to doo."[108]

If all this precaution did not avail to keep things running honestly and after the "stint," a final and supreme effort at regulation was made through the daily breving or accounting, done before special clerks known as the Clerks of the Brevements, who might have the assistance of other clerks in the household in their work. In Northumberland's House, this breving was done in the counting house, commencing at seven o'clock A.M., and continuing until eight-thirty. Every officer passed up in the order of his rank, and had his accounts for the day examined; when this was done, the records were forthwith entered in the book of the brevements, under each officer's surname, to avoid checking any deficient against the wrong man.[109] No breakfasts could be served until this work was finished, and

[106] *Northumberland Household Book*, 116, 408. See also, *Stanley Papers*, Part 2, 9, and *Royal Household Ordinances*, 93.

[107] *Ibid.*, 173.

[108] *Ibid.*, 409-410.

[109] *Northumberland Household Book*, 128, 59, *et seq.*

every man was bound to appear for brevement or be reported to the head officers as a delinquent.[110]

As the accounting clerks had all the household orders, the books of the officers receiving and dealing out provisions, together with those accounts kept at meal times by the Ushers, and as it was the special duty of men like the Ushers to report at the brevements any deficiency in the service of any officer,[111] the breving must have proved an intricate but withal efficacious system for order and exactitude in the entire household supply service.

Part of the breving fell weekly or monthly: thus the tallies of baked goods and brewings were entered in the Journal Book weekly when the bread and beer were delivered to the Pantler and Buttery-man; at the same time corresponding tallies were delivered to the Baker and Pantler, Brewer and Butler. Meats also, were recorded once a week, before both the Yeoman of the Larder and the Slaughterman; while once a month, the clerks saw the reckoning made before them in the Counting-house, between the Glover and the Slaughterman, for mutton skins, and between the Chaundler and the Slaughterman, for the beef and mutton tallow, and between the Yeoman of the Pantry and the Baker, for flour.[112] The hour set for this accounting with Bakers, Brewers and Butcher, was one o'clock in the afternoon, and some one of the earl's council had to be present, upon which ruling his Grace insisted "As they wolle avoide my Lordes despleasure ande stonde at theire Jeopardy for the contrary doying."[113]

In addition to these daily entries of supplies coming in and spending, these Clerks of the Brevements cast up an average, or "pie' of all household expenses once a month, in the form of a bill; they also made out the remainder of all stock on hand

[110] *Ibid.*, 60.

[111] "ITEM that the Ushers of the Chambre and of the Hall se whether the Potts be fyllid as they oght to be when th' Officers brynges theym or not And if they be not then they to shew it to the said Clerkis at the Brevynge And they to reforme it. ITEM that the said Clerkis of the Brevements inquyre every day of the Ushers at the Brevynge what Defawtts they fynde with th' Officers and the said Clerkis to reform the same."—*Northumberland Household Book*, 64.

[112] *Northumberland Household Book*, 60-61.

[113] *Ibid.*, 170.

monthly, and at the year's end figured out similar bills for the twelvemonth, together with an account of any cash balance on hand, due to securing some provision more cheaply, perhaps, than its cost had been estimated.[114] Northumberland's order for his "Bill of Remainder" voices handsomely his economic principles, as well as that round-about style his clerks so well affected — "ITEM it is Ordeyned by my Loorde and his Counsaill at every Yeres ende that the Accompt of the Hous endes of That there shal be at every such Yere ending of the saide householde a Bill to be maide of the Remeineth of such Stuf as remeines unspent provided and bought in the Yere afforesaide With the Names of the Parcells every parcell by it self With the price that it was bought fore And the daie of the moneth that it was boughte on The said Bill to be a Memorandum to be put in the Book of Householde for th' Ordre of the hous of the New Yere thorrow the levis of the Book which is ordened for the hous Bicaus they shall not have it written in the said Book because the Some of the Remeineth Yerely is not certayn and therefore the Parcells thereof is thrawn in the Somes of the Parcells of the Somes of Money bicaus the Parcells of the Remaneth cannot keep always a certayn Some but some Yere more and som Yere les as the case doth require nor always one manner of Parcells to be the Remaneth nor of like valor as they be other Yeres bicaus the Stuf that is best cheep which must be expended the most of that stuf is best to be provided and bicaus that the said Remaneth of the Stuf unspent of the Yere affore ended shal be the first Som paid in partie of payment of the Some of th' Assignement apointed for the keping of my Lordes hous for the New Yere Wherefore this said Article is maide for the knowledge of th' ordre thereof bicaus it shal be Yerelie the first Som and Parcell paid for the hous." [115]

All of this book-keeping required part or all of the services of no fewer than eight clerks — the Clerk Comptroller, the first and second Clerk of the Kitchen, the Clerks of the Spicery, Brevements, Counting-house, Garner, and the Clerk Avenar. Four of these — the second Clerk of the Kitchen, and his fellows of the Spicery, Brevements, and the Clerk Avener, were under

[114] *Ibid.*, 130.

[115] *Northumberland Household Book*, 119-120.

the Clerk Comptroller.[116] He called them out to commence work in the Counting house, at four o'clock, A.M. — each to his particular accounting. The Clerk Comptroller himself, kept a "correcting journal" of all the supplies daily coming in, and when these accounts were verified, either by himself, or by the officer charged with household management for the year, they were, under the supervision of the Clerk Comptroller "engrossed" in a "clear Journal Book," by the Clerk of the Spicery, who accounted for brevements of meat and drink also.[117] The Clerk Comptroller, likewise, was responsible for keeping the household expenses after their rating, and therefore he had leisure every day "in the mornynge afoire Brekefast and an oithir houre to study and every after noon afoire Drinkingis peruse over in the Booke of Ordoures of the House . . . by (which) he shall se theim observid according to th' Ordours in the said Booke."[118]

The second Clerk of the Kitchen, who saw the food supplies delivered to every office daily, and the victuals struck out for service, kept a "correcting-book" of all meal ratings.[119] This also, was subsequently re-written in another book, by the Clerk of the Brevements, or the Clerk of the Counting-house. The Clerk Avener kept daily accounts of horse feed and fuel, attended to their distribution, and saw those supplies locked up after the services of stock for the day were issued.[120] The Clerk of the Kitchen did the daily breving of officers,[121] while the breving book for all the grain supplies was kept by the Clerk of the Garners.[122] It was the Clerk of the Kitchen also, who averaged up the monthly accounts, "On day clere at the ende of every Monith throughe owte the Yeire" being allowed him for that purpose.[123] Office was open at six o'clock, A.M., at one o'clock, P.M., and in the evening until eight o'clock, since all of

[116] *Ibid.*, 408.
[117] *Northumberland Household Book*, 392-393, 408.
[118] *Ibid.*, 409.
[119] *Ibid.*, 329, 393.
[120] *Ibid.*, 394.
[121] *Ibid.*, 329.
[122] *Ibid.*, 329.
[123] *Ibid.*, 406.

each day's accounts were ". . . cast up the said night or the Clerkes goo to bed. . ."[124]

Regulations to achieve the purpose so elaborately striven for by the 5th Earl of Northumberland, were worked out in every household. The Duke of Clarence compelled his head officers "every Mondaye," to "take the remanentes in every office, and incontinent after to calle afore them the officers of the seid housholde, and the rolles of the pantrey, kychen, spicery, and stable . . . the expenses thereof . . . and to see dailey brefements, where they be accordinge to the expenses made one weeke afore by the dockette, whereby shall be perceived if there be any defaute in any office, that it be redressed and refourmed, and the trespassour punished by the discression of the officers; and if any of the clerkes fayle in that to them belongeth, to leese ijs. at every defaute."[125] Every accountable officer, Bakers, Pantlers, Butlers of wine and ale, Clerks of the Spicery, Larder, Scullery, Stable, and Ushers of the Hall, had to attend each Monday, when this "remain" was taken.[126] This was in 1469; in 1586, Henry, Earl of Derby had his weekly brevements,[127] and either the Steward or the Comptroller was in attendance regularly from Friday night until Monday morning to oversee that important work.[128]

In such fashion was managed the particular work of supply purveyance, storage and issuage. The manner in which the business was conducted was of great interest to every soul in a household, but especially so to the master himself, who had to pay for everything, and who ran the constant risk of being cheated or in some way short-changed, unless he kept hand well in the business and eye ever upon his servants.

[124] *Northumberland Household Book*, 406.
[125] *Royal Household Ordinances*, 93.
[126] *Ibid.*, 93.
[127] *Stanley Papers*, Part 2, 13.
[128] *Ibid.*, 22.

CHAPTER VI

FINANCIAL MANAGEMENT IN THE HOUSEHOLD

In great expenses very few hath ever seen together the hundredth part of that was wasted; and princes that hath ever bene frugall, in my observation, hath bene acquainted with the grosse of there treasure at somme tymes, with there owen eies. The humor is so tickling and easy, when any affections or desires doe move, to say, — "boroughe, sell, buy, pay, give," — as the evill is not knowen before the smart is felt; and yett shall he never behold more for it, than an Auditor's collection once in a yeare, or once in his lyfe, perhaps never.

— *The 9th Earl of Northumberland to his son.*

Beware thou spend not above three or four parts of thy revennews; nor above a third part of that in thy house. For the other two parts will do no more than defray thy extraordinaries, which always surmount the ordinary by much: otherwise thou shalt live, like a rich beggar, in continual want. And the needy man can never live happily nor contentedly. For every disaster makes him ready to mortgage or sell. And the gentleman who sells an acre of land, sells an ounce of credit. For gentility is nothing else but ancient riches, so that if the foundation shall at any time sinke, the building must needs followe.

— *Burghley to his second son, Robert Cecil.*

The large sums of money which had to be readily available in the management of a great household, came out of the lord's income from his estates. Where such estates were vast, and they generally were so among the class of noblemen here described, the expert services of several officers were hired to insure their wise exploitation. These officers were the Surveyor, Auditor and Receiver-General, with under Receivers, perchance, as in the Northumberland household. There were establishments which did not boast of all three servitors, but in such, a wider responsibility was cast upon the Steward and Comptroller.[1]

[1] Brathwait, 3. "He may have an Auditor, and a Receiver; but theese are extraordinary, and two of the cheefe Officers (being men of experience) may supply those places; the one in taking accompt, the other in receiving rents and proffits, and thereby free the Earl from fees that belong to those Officers."

The Surveyor's was a various work,[2] which, if it were well done, required on his part great practical wisdom, and an acute speculative sense. With him rested the very important duty of estate evaluation, to the end that its utmost worth might be carefully assured to his master. He operated under a warrant by the lord's hand, and was first responsible for making general surveys of all estate lands and property, wherever they lay; by these surveys, the findings of which were duly recorded in a book, the nature and quality of the lands were discovered. Arable, pasture, meadow and woodlands were distinguished, while in regard to the latter, their character was further specified, for example copse or sherewood,[3] as the case might be, "for that theire commodities doe arise severallie."

This portion of his labour fulfilled, the Surveyor had next to deliver to the Receiver-General a "perfect rentall," which was a book based on his surveys, and signed by himself; through its information the Receiver was well equipped to get in the sums of money justly due him from tenants. A rental book of this sort, made out by a servitor for Lord William Howard of Naworth, in 1611, discloses the detailed accuracy involved in the compilation of these statistics.[4] Its caption asserts that "At Naward Castle at the Auditt ther holden the 14° December. A° Dni 1611, weare the parcells ensuing delivered by the Auditor[5] for the true cleare vallues uppon the foote of every particular Account."

The work is made out in Latin, and in it appear the rentals down to a farthing, of all messauges, manors, bailiff's offices, meadows, mills with toll grain, and demesne lands, together with

[2] All the facts which follow, unless otherwise indicated, are derived from the "Breviate" above described.

[3] "Sherewood" may be either wood which is clear, and free from knots and blemishes, suitable for building purposes, or it may be wood of a size to be split for burning.

[4] *The Household Books of Lord William Howard of Naworth Castle*, Appendix vii, 413-416.

[5] While the Auditor appears to have been responsible for these statistics, the book, if made out by him, was probably similar to the "rentals" for which the Surveyor was held responsible. It is possible that one man was both Surveyor and Auditor for Lord William Howard, or it may have been that this was the work of a Surveyor, which was used by the Auditor.

court perquisites, which yearly made up Lord William's snug income. The various sources of income, except the demesne lands, were grouped and the totals struck, by counties, and the neat tabulation concludes as follows, establishing its grand total: "Summa totalis of the cleare yearlely revenew this yeare, ending at Martinmas, 1611, aunswered by the several bailiffes and receivors in the County aforesaied as above particulerly patet, M.M.M. cclxiiij.li xj.s j.d To which the profit of the Stock and store remaininge uppon the Lord's demeanes above mentioned, viz. 1110 cattle of all sorts and 3000 sheepe, accounted for this yeare, and paied in by Thomas Waters the Storer, besides that which was of all kindes of provision delivered in by him to the house at Naward Castle, Dcxx.li

In toto, summis conjunctis, ut supra patet, MMM. Dcccliij.xx iiij.li xj.s j.d"

In addition to this book, rentals had also to be made out by the Surveyor, signed, and turned over to the several bailiffs managing estate farms, so that at the audit he could hold them on their accounts if it were necessary.

Outside the general survey, this important officer was further charged to make a secret survey of all the estate so that he could ascertain where it was possible to exploit any commodity, or in any way enhance his lord's profits. This included looking ". . . into all perticuler farmes, so well in lease, as out of lease, where by his knowledge, the lorde may make his commoditie or proffits thereof, as occesione shall arise from tyme to tyme." It meant, likewise, that this man of clever insight must be alert on his rounds to ferret out any possible latent wealth — likely wood sales, the existence of stone or slate quarries, or mines, perchance; all such, he had to report, either to the lord personally, or to his chief officials, whereupon, at the audit, which was a kind of business Alpha and Omega — an estate clearing house, orders could be given for working these new sources of revenue.

Not content with his report on well assured financial projects, the Surveyor was compelled to be on hand personally at the audit, where he presented before the Auditor and other officials any source of profit he *suspected* might arise to his lord's bene-

fit; a warrant could be thereupon issued for testing the proposed schemes, the same to be called in upon the next audit when its usefulness as a money venture was examined.

Finally the Surveyor was by no means a mere automaton, ascertaining by rule and divining rod an estimate of his employer's resources. By virtue of his calling he went in and out among tenants — and perforce saw their condition intimately, so that a generous master, taking advantage of this, might have his servant's quick eye trained to kindly purposes as well. Thus in 1561, Mr. Sampson, Surveyor for Richard Bertie and his Countess, distributed £3:5:8. to poor tenants in his survey.[6] Aside from gentle philanthropies of this sort, it was well within the scope of these officers' functions to make life a trifle easier for tenants simply through upright dealing. On this very score, Richard Brathwait takes occasion in his characterization of servitors operating between lord and tenants, to plead for men of good conscience in those stations — men ". . . indifferently to deale betwixt the Lord and the Tenants, that their harde and severe dealinge bring not to their Lorde, insteede of honour, infamye." If the lord allows them to attend to the letting of his lands, they are ". . . above all thinges to keepe their handes free from taking of bribes: for every pound by any of them so received will hinder their Lord tenn poundes, at the least." "I crave pardon," he continues, "to write that which in my harte I have conceived, even with greefe of minde. Having lived above threescore yeares, in which time I am sure ther hath bene more enclosing of Landes, racking and raysing of rente, with extreme fining of poore Tenants than were in three hundred yeares before; and yet in this time I have knowne the patrimony of many noble houses wasted and decayed, which causeth me to thincke that God with this harde dealing is displeased. And therefore I hartely wish and earnestly desire that both Lordes and their officers will not give cause vnto their poore Tenants, in eating of their hungry meales, to curse them with their harte; . . ."[7] Here, to be sure, is an old man's wail against the hard economies of his day, with its alluring, easy "look on this picture, then on that" — the happy, fanciful one

[6] *Grimsthorpe House Papers*, 464.

[7] Brathwait, 6-7.

of the good old Elysium three hundred years back! Nevertheless, the observation is instructive; perhaps it was not solely because of his keener intelligence, that the 5th Earl of Northumberland's Surveyor was a priest![8]

The post of Receiver-General was one of the chief official stations in the household, and certainly the position of highest trust in the domestic service. This officer had in his keeping all the funds coming in from the estates. As already mentioned, he stood charged in his own person, or through under Receivers, by the Surveyor's rental book, with the ". . . rentes of all mannors, lordshipps, demeanes, hamelettes, farmes, or any other commodities arisinge within . . . (the) office of survey. . ."[9] On this basis, when rents from any source fell due, he sent his letters to the bailiffs, or whoever had money owing the lord, and such were bound to bring in the amounts when and where he stipulated; upon his receipt of such money, he turned over a signed bill of receipt to the payer, who was held strictly accountable, like every man entrusted with any charge.

The Receiver had his own account book to keep, and in it had to be particularly noted what sums came in, when, from whom and under what title or cause, that is, for what — all plainly set down. He had to acquaint his lord from time to time, with the amounts of money he was receiving; while in some households, like that of the 5th Earl of Northumberland, the very closest constant scrutiny of him and his book-keeping was maintained. Thus, every Sunday throughout the year, the earl's Receiver-General had time provided him for casting up his reckonings, and clearing scores with all the other clerks who had got sums of money from him during the past week. When rentals came in, whatever else he may have been doing — that, he was free to drop for his more proper work. At such times he entered the receipt of the money in his book, before a witness selected by Northumberland, and had to get the same signed by the head of the household, likewise before a witness of the latter's choosing, previous to delivering his acquittance to him who paid in the money. Each Saturday he was compelled to balance up his receipts and deliveries, from the beginning of the household year

[8] *Northumberland Household Book*, 323.

[9] Breviate.

(Michaelmas) to that date, and to hand in to his lord a bill showing the amount of money on hand; with this he presented another bill of the week's receipts and expenditures, so that the Cofferer[10] could at once disclose, either his week's balance in hand, or the sum lacking for a complete payment of the running expenses.

The Receiver too, like the other principal officers in the household, had to be an accomplished Figaro. In addition to his virtues as an accurate and trusted exchequer clerk, a ready wit and handy adaptability must enable him, should occasion require, to talk to the point with a stubborn or recalcitrant bailiff — settle a dispute between tenants, evaluate a field, estimate a damage — anything, to expedite getting in his sine qua non — the rentals.[11]

John Carleton, Receiver in 1523 for Sir Thomas Lovell, thus describes certain of his activities in March of that year, entering the same in his book under "Necessary Costes" —

"Item, paid, the last day of Marche, in the fourteenth yere of the reign of Kyng Henry the VIIIth, for the costs of me, John Carleton, and my servaunte rydyng from Endefeld to Holt and Cley in Norfolk to trye out ther the lande, both free and bonde, that is in traverse betwixt Gregory Cause and William Dykson, and seeng and veueng the decay of the Haven there thorow the inneng (i.e. enclosing) of a marsh at Saltehouse by Sir John Heydon, knyght, and so rydyng along after the see coste to Master Paston place at Paston, and then with hym to Yermouth, and Castre, and so to Sporle and Pagrave by Swaffham in Norfolk to see and veue the grounde and lordship there, and to trye the valour therof, and seeng an estate therof taken and geven to the seid Mr. Paston, and upon that goyng to Thetford to th' assise ther, and so to Norwich with Mr. Brooke, juge, to take a knowlage (i.e. acknowledgment) of Sir William Paston and

[10] Northumberland's Receiver was likewise his Treasurer or "Cofferer" as he was called. — *Household Book*, 224.

[11] Northumberland's Receiver had still other functions: "ITEM that he that shal be apointed at Mychaelmas in the Chequirroill for the Yeire as Coufferer To stand chargid with all my Lordes Receites for the Yeire And as Gentleman Huyssher and to stand chargid with my Lordis Plaite and Jewell With oithur asignid and Joined unto him And to have for his Houlshould Waigis for that cause — lxvjs. viijd." — *Household Book*, 394-395.

Dame Brigette Paston, his wif, of ther lordshippes of Sporle and Pagrave to the use of Sir Thomas Lovell, knyght, and with other besynes by the space of xxiiij dayes complete, xxxjs.viijd."

"Item, payd for the costes of William Berners, Lawrance Foxley and myself to deliver d li. by wey of lone upon a prevy seall to Sir Henry Wyott, knyght, thresorour of the Kynge's chamber, to be repaied at Candlemas next by the tenure (i.e. tenor) of the same, xjs.iiijd." — and once more, an entry for this same year under his title — "The sewte of diverse persones at the comon lawe" —

"Item payd to Maister Lees, clerke of the Councell in the Stert (sic) Chamber, for the copy of a bill of compleynt made by the person and of diverse of the tenantes of Blakeney in Norfolk, and put up to my Lord Cardynall in the Starte Chamber aneynst diverse of my maister's tenauntes of Cley for puttyng downe of a banke made without leve on my master's grounde and lettyng the water of the Haven his old course, v s."[12]

Carleton may have had little to do with this piece of work beyond the fee which he paid to "Maister Lees"; he dispatched that business, however, and recorded its accomplishment in an understanding fashion, thereby nicely justifying Brathwait's point in his description of officers like the Receiver — "They should not be ignorant how to follow sutes in law: for, albeit the Earle have a Sollicitor,[13] yet if a cheefe Officer (that is knowne to be in creditt with his Lorde) come with him either to Serjeant or Counsellor his chamber, he will be the better regarded and sooner dispatched, especially if the Earle be not in London."[14]

When money was wanted by the master of the house, perhaps for the Steward or for any purpose whatever, he issued a warrant for the requisite amount, under his own hand, on his Receiver, whereupon the funds should be forthcoming. The warrants later served as evidence or vouchers in auditing the Receiver's accounts. In 1514, it had been determined that seven warrants were necessary for Northumberland's household budget, in the course of a year. Three of these fell in the first quarter — between Michaelmas and Christmas, and were issued

[12] *MSS. of the Duke of Rutland*, 4, 263.

[13] *Ibid.*, 260, where Lovell is seen to have had his legal advisor too.

[14] Brathwait, 7.

on the Receiver for the earl's lands in Northumberland, Cumberland and Yorkshire respectively, on rents for the so-called "Michaelmas ferm" (i.e. farm, or rental). Two fell in the second quarter, that is, between Christmas and Lady-Day in Lent; these were drawn on the Receivers in Yorkshire and Northumberland, on rentals of the Martinmas farm, while the last two fell, one in each remaining quarter, i.e. Lady-Day to Mid-summer, and Mid-summer to Michaelmas again, drawn on the Receivers in Cumberland and Northumberland, and payable from Martinmas and Whitsunday rentals.[15]

A nice regulation was elaborately established adjusting purchase of provisions of all sorts, payment of wages, in fact, all the diverse household expenses, to the periods when this money was available.[16] Northumberland's warrants themselves were the customary triumphs of intricate, clumsy pomposity, couched in the very style and semblance of their Royal prototypes —

"WELBILOVYD I grete you wele and wol ande strately charge you without delay as ye intende to have me your good Lorde ande wol exchew that at may insew unto you for the contrary doyng at your jeopardy Faill not to content ande pay to my welbiloved Servaunts Robart Percy Countroller of my Hous ande Gilbert Weddell Cheefe Clarke of my Kichyng standyng charged with my saide House for the vijth and last payment of th' Assignement assigned unto theym for the kepyng of my saide Hous for this Yere begynnyng at Michaelmas in the vjth Yere of the reign of our Sovereign Lorde Kyng Henry the viijth and shall ende at Michaelmas next following of the Revenus of all my Landes in Northumberlande to your handes comyng dewe to my Coffers of the Whitsonday Ferm payabill at Lambmas Ye content and pay the Some of ciiijl.xiiijs.ixd. in redy Monay over ande besids that they have xv l. vj s. charged upon theym the saide tyme as parcell of there Assignement as in the Fermes of divers Meddowes ande Pastures at Lekyngfeld ande Wresill as it appereth more playnly in the Booke of Orders of my saide Hous for the makyng up of cxxjl. ixd. assigned unto theym in the iiijth quarter bitwixt Midsommer and Michaelmas Whiche is in full payment of there Hole Assignement for this Hoole Yere

[15] *Northumberland Household Book*, 111-112.
[16] *Ibid.*, 30-33.

endyng at the said Michaelmas next for to come GEVEN under my Signet and Sign Manuell at my Manour of Leckyngfeld the xxjth day of Novembre in the vjth Yere of the reign of our Soverayn Lord Kyng Henry the viijth.

To my Trusty Servaunt WILLIAM WORME
Gentleman Usher of my Chambre my Coffurer
ande my Receyvoure Generall of all
my Lands in the North Parties for this Yere." [17]

Poor Worme! with what nervous agility he must have despatched his uneasy duty, before the grandiloquent insistence of so imperial a summons!

"The auditor beeing the laste of all offecers, is to bee judge betwixte the lorde and his accomptants, and to deale trulie for and betweene all parties, and upon the determinac'on of his audite, to presente to his lorde by booke or breviate, all his receiptes, expences, imprestes, whatsoever, with the remaines of monye, if any bee. . ." [18] In such form were the accounts of Lord William Howard of Naworth, as audited in 1612 by Thomas Clay.[19] First were carefully tabulated in detail all the rents collected by Receivers, or directly paid in to the Steward, from Cumberland, Northumberland, Yorkshire, Durham and Westmoreland; following these, also as part of the Lord's income, were entered the "Forreine Recepts" — sums of money paid for all manner of stuff sold, including, that year, trees, coal, wood, hay, dung, etc., in addition to certain park and mill rentals, fines, and other odd accounts. After the receipts, follow, also in minute detail, all the year's expenses — "My Lord's Parcells," those for "My Ladie And The Little Gent" — including, in each case, every item of personal expenditure — "Pensions or Annuities," "Law Charges," "Lands Purchased," "Servants' Wages," "Fresh Acaites," "Salt and Salt Store," "Rewards," "Building, Reparation, Woorkmen," "Husbandrie, Heards, And Husbandman," "Utensiles or Necessaries," "Grocery," "Mault," "Bigg and Peas," "Oates," "Wheat,"

[17] *Northumberland Household Book*, 132-133.

[18] Breviate, 328.

[19] The accounts appear to be the Steward's, at least his signature follows the title. — *Household Books of Lord William Howard of Naworth Castle*, 1.

"Hops," "Wine," "Lights," "Stable Charges," "Horses and Cattle Bought," "Riding Charges and Errands," "Poore," "Monie Imprest, Lent or Repaid," "Dueties to Brampton and Other Places," "Mills," (cost items of any repairs) "Extraordinary Payments," "Linen Cloth and Yarne," "Carriage of Things from Newcastle," (i.e. transportation charges from that port town) and lastly, "Eldin" or fuel. Under each of these headings appear all of the itemized expenses with their "Summa Total" and the symbol of the Auditor's visa — "Ex. per Tho. Clay, Auditor," to duly summarize and authenticate. A complete total was also drawn up —

"Summa totalis Expensarum, solucionum, et allocacionum hoc anno xj.^{mo} Regis Jacobi, M.M.D. xxj.^{li} xvj.^{s} ij.^{d}" with the balance on hand down to a farthing — "Remanent in manu hujus computantis, cccj.^{li} ix.^{d} ob.q." — likewise with Clay's signature.[20]

That part of the Auditor's accounting which had to do with court perquisites, was executed through information which might be conveyed to him by an officer known as the "Learned Steward." This man received notice from the lord, of all the courts he intended to hold, and with the assistance of the jury, he assessed the fines for the misdemeanor tried, saw them estreated, along with other court dues, and delivered over to the bailiff for levy, which latter servitor, upon receipt of the money, turned it over to the Receiver as part of the lord's profits. The Learned Steward had likewise to inform the Auditor of these court profits, who in turn, could thus hold the bailiffs to their true accounts.

Once he began upon his books, the Auditor remained right in his room, his food allowances and other necessaries, being carried in to him, ". . . the chardge and truste beinge soe greate, so well betwixt the lorde and his accomptantes, as betwixt partie and partie, . . ." Books were balanced and accounts audited once or twice a year, as the lord dictated, after which was held the "declaration of the audit" — a checking of accounts in the presence of the lord, Surveyor, Receiver and Auditor, or whoever, as in the Derby household, sat in the domestic council of the noble master.[21]

[20] *Household Books of Lord William Howard of Naworth Castle*, 1-66.
[21] *Stanley Papers*, Part 2, 34-35, 63, and 89.

When the audit was taken in Northumberland's establishment, the household was temporarily reorganized on a much smaller scale (some forty-two people constituting its diminished personnel) — in one of the lesser houses belonging to the earl, usually at New Lodge, and the process was called "keeping the Secret House." This was done to give the responsible servants and officers full hours unmolested for their work at the accounting. At this time all the possessions of his Grace were invoiced, down to the very ward-robe stuff, and along with the busy officers and clerks engaged in the accounting, were representatives from most of the household departments; among others, for example, the following — "THE Yoman of the Bedds that staunds chargid with my Lords Warderob Stuff For the Delyvre of the saide Stuffe at the accompt. The Skynner that is in my Lords Warderob For the helpynge to receyve the saide Stuffe when it is charged agayne into the Office." The two Grooms of the Ward-robe ". . . For the Berynge of the said Stuffe to the Warderob agayne when it is charged at the Accompt to the Office." [22]

In conclusion, the labors of these several officers resulted each year in a goodly crop of valuable papers, and all such accounts and records of surveys were kept along with other documents of value in a room called the "Evidence House." The key of this chamber was kept by the lord himself and no one was allowed therein except in the master's presence, unless it were some especially trusted servant. Brathwait, drawing upon what he doubtless had seen, describes with clerk-like satisfaction his idea of a properly equipped strong room — ". . . I wish the Earle to have in his house a chamber very stronge and close, the walls should be of stone or bricke, the dore should be overplated with iron, the better to defend it from danger of fire: The keyes therof the Earle himselfe is to keepe. In this Chamber should be cubbards of drawing boxes, shelves, and standards, with a convenient Table to write upon; and upon every drawing box is to be written the name of the Mannor or Lordship, the Evidence wherof that box doth containe. And looke what Letters Patents, Charters, Deeds, Feofements, or other writings, or Fines, are in every box; a paper role is to be made in the saide box, wherin is to be sett downe everv severall deede or writing, that when the

[22] *Northumberland Household Book*, 308, 365.

Earle, or any for him, hath occasion to make search for any Evidence or writing, he may see by that Role, whether the same be in that box or not. In the Standerds and upon the Shelves are to be placed Courte Roles, Auditor's accompts, Bookes of Survey, etc. Also empty boxes both for Letters patents and other Evidences, when ther is cause to carry them out of that chamber. If ther be occasion, of search to be made for any Evidence in this house (the Earle himselfe not being present); vnder two persons at the least should not enter therin; and if they take out any Evidence or writings, in the same boxe out of which they be taken they are to leave, vnder their hands, in writing, the name of every such Deede or Writing as by them is taken forth, and the cause for which they did it, and the day and yeare of their so doing, and also by what warrant: for the Earle ought to have more care of the safe keeping of his Evidences, than either of his plate or Jewells."[23]

The 5th Earl of Northumberland had two evidence houses, one in each of his castles, Leckinfield and Wressil. A servant was constantly in charge of each house and its precious contents, to whom my "... Lorde useth ande accustomyth to gyf as in Annuitie by Warraunt to be paide owt of his Lordshipis Coffures . . . for standynge charged with the delyvray of my said Lordis Evidences owt and for receyvynge of them in again To be paid quarterly after xxs. a quarter and for the hole Yere — iiij l."[24]

The interest of most noblemen in their finances was intense and constant, and where such was not the case, a zealous officer of the household might properly recall to his negligent master, the latter's obligation regarding his exchequer. On one occasion, Lord Willoughby, absorbed in the weighty responsibilities of the campaign in the Netherlands, received a familiar letter, from one of his servants — John Stubbe, in which his Grace was emphatically besought in part as follows: — "1586, May 14. London, Barbican." "From your own open gallery there." — "Myn honorable good lord, I know well your daily and nightly labors and waches may well excuse youre not wrighting or short wrighting. . . Good my lord, be not driven nor drawn from

[23] Brathwait, 18.

[24] *Northumberland Household Book*, 379, 351.

understanding your own state. Looke into your own accompts, as your leisure may serve. Be auditor auditorum in all your own business. My lord Tresurer will do so. My Lord of Lecestre doth so. The wise Lord Keeper wold do so. Hir Majesties self will do so. Bergen op Zoon is but a chery fare. It is Lincolnshire Holland (i.e. the county, in England) that must cherish your honorable age. . ."[25]

It was, then, through the carefully supervised service of this highly specialized and competent officialdom, that the Tudor nobility diligently sought to rightly husband their wealth, maintain a comfortable balance under the thrift columns in their ledgers, and avoid that wretched and disgraceful dilemma—land sales, against which shrewd old Burghley so emphatically warned his son.

[25] *Grimsthorpe House Papers*, 351.

CHAPTER VII

GREAT CHAMBER AND HALL SERVICE IN THE HOUSEHOLD

Yet if his majesty our sovereign lord
Should of his own accord
Friendly himself invite,
And say "I'll be your guest tomorrow night,"
How should we stir ourselves, call and command
All hands to work! Let no man idle stand.
Set me fine Spanish table in the hall,
See they be fitted all;
Let there be room to eat,
And order taken that there want no meat.
See every sconce and candlestick made bright,
That without tapers they may give a light.
Look to the presence: are the carpets spread,
The dais o'er the head,
The cushions in the chairs,
And all the candles lighted on the stairs?
. . . . . .
Let each man give attendance in his place.

— *Elisabethan Lyrics* — BULLEN.

Among the many rooms and apartments which the castles of the English nobility invariably contained, there were always two of conspicuous importance in the routine life of the household; these were the Great, or Dining Chamber, and the Great Hall. The Great Chamber was generally on the second floor — "above stairs" was the common expression in regard to its location, — near the head of the principal or grand stairway; with the exception of the Hall, it was probably the largest room in the castle, and could conveniently accommodate quite an assemblage. Thus the Great Chamber in Raglan Castle, the seat of the Earls of Worcester, in Monmouthshire, was forty-nine by twenty-one feet,[1] while that at Haddon House in Derbyshire,

[1] *MSS. of the Duke of Beaufort*, 2.

one of the residences of the Earls of Rutland, was probably about two-thirds as large as the Hall itself.[2]

The Hall was situated on the ground floor of the castle, and its proportions, always majestic, were no mean gauge of the wealth and position of its noble owner. In the royal palaces the Great Halls were truly splendid, that at Eltham being one hundred and one feet long, and thirty-six feet in width; its isolated location furthermore, permitted of ten windows down either side, in addition to bow windows which were fourteen feet wide and ten feet deep.[3] The more modest Great Hall of Raglan Castle, as described by a contemporary was ". . . 66 feet long and 28 feet broad, having a rare geometrical roof built of Irish oak, with a large cupola on top for light, besides a compass window 16 feet high in the light, and as much in compass, with two or three large windows more in the upper end."[4] Sir John Fastolfe's Great Hall in his Castle at Caister near Yarmouth was fifty-nine feet by twenty-eight feet,[5] and Sanford, who visited Kirkoswald in 1610, says of the Hall — "The Hall I have seen, 100 feet long; and the great portraiture of King Brut lying in the end of the roof of this Hall, and of all his succeeding successors Kings of England portraicted to the waist, their visage, hats, feathers, garbs, and habits, in the roof of this hall; . . ."[6]

The Great Chamber and the Hall were the principal living rooms in the house throughout the day — up to the time of retiring, in fact — a full servant equipment being provided for both places between meals, while during repasts each was enlivened by the operation of the elaborate regimen observed for properly serving up all food to table.

Back in the early part of the 16th century, (c. 1512.), the 5th Earl of Northumberland had daily servant attendance in his Great Chamber between meals carefully proportioned among three groups of servitors — for morning, afternoon and evening. Twenty hands were on duty in the forenoon, nineteen men and a child, of whom six were Gentlemen — an Usher, a Carver, a

[2] *Archaeologia*, VI, 358 (Plate).
[3] *Ibid.*, 367.
[4] *MSS. of Duke of Beaufort*, 2.
[5] Inventory of effects, etc., *Archaeologia*, XXI, 273, note.
[6] *Household Books of Lord William Howard of Naworth Castle*, 513.

Sewer, and a Cup-bearer to my lord, a Waiter for the board-end, and a Marshal of the Hall. Ten were Yeomen and Grooms, while four were Yeomen and Groom officers — Yeoman Usher of the Hall, Yeoman of the Pantry, Groom of the Buttery and Groom of the Ewery. The Gentlemen, Yeomen and Grooms came on duty at seven o'clock in the morning, and staid until one o'clock P.M., serving through dinner. This was their principal service; they then had leisure to do as they liked from one until three o'clock, when evensong was rung and "drinkings" served, whereupon they were to return to duty "Ande they not to faill than to com in again And raither yf any straungers cum." The same regulation governed the four Yeomen and Groom officers, except that their duties commenced at six o'clock, A.M., enduring until eight o'clock when they went into their offices for serving breakfasts; that done, they again returned to attendance from nine o'clock until ten, when dinner commenced.

In the afternoon a new shift of eighteen, changed somewhat in personnel, came on; the first group of Gentlemen, the same in function, serving now, however, to my lady — while a "Yoman Usher of the Chamber to my Lady" was added to their number; they commenced attendance at one o'clock, having served at dinner, from ten to one, and remained on until four o'clock, P.M., when supper was served. The Yeomen and Grooms in this second shift were reduced to seven, with terms of service like the Gentlemen; there were four Yeoman and Groom officers, but they now stood Yeoman of the Beds, of the Buttery, Groom of the Pantry, and Groom Usher of the Hall. These latter were in their offices during dinner, from ten to one o'clock, and in attendance from one until three o'clock, when they again repaired to their offices for the service of drinkings. This latter was a short work, so that that attendance really endured until four o'clock in the afternoon, when supper was served. The afternoon group of servants were free in the forenoon, from seven to ten o'clock.

Evening attendance which lasted from seven to nine o'clock, was given by both groups of Gentlemen, Yeomen and Grooms — thirty hands in all, while Yeomen and Groom officers were relieved from duty, time being then allowed them for their day's accounting.[7] Such was the stately personal attendance between

[7] *Northumberland Household Book*, 309 *et seq.*

meals, truly royal in character, enjoyed by this great North-country earl in the early Tudor period.

Somewhat later than this time, it was customary for the Gentlewomen of a nobleman's wife to be at hand in the Great Chamber also ". . . for the better furnishinge of the same, vidz. from nyne of the clocke untill eleven, and then to attende theire ladie to the chappell, or prayer, and from one of the clocke after dynner, untill three in the afternoone, and then they maye departe, if there bee noe gentlewomen stranngers to bee enterteyned, untill five of the clocke; that supper bee towardes, and after supper so lonnge as theire ladie is in presence and noe longer."[8]

The Hall, a less exclusive place, was constantly under the charge of the Yeoman Usher of the Hall, ". . . and his place before and after meales is to sett at the upper ende of the halle, or to walke up and downe the hie space there, and to enterteyne all stranngers, and if there bee any noyce to still it, for there is noe place of hie talke to bee suffered, . . ."[9] this, in addition to his special functions during meals, of which, more presently, and his superintendence of the daily cleaning of the Hall.

Responsibility for proper service between meals in both Great Chamber and Hall, fell to the Gentlemen Ushers of the Great Chamber. "The one of them," says Brathwait, "for the moste parte is to be in the great chamber, or dining chamber, both forenoone and afternoone, and at after supper to see that the saide chamber be furnished with gentlemen waiters: and he is to give warninge to the Vsher of the Hall, that it bee not vnfurnished of yeomen, but that ther may be always in a readines both gentlemen and Yeomen, to attend upon the Earle and Countes, either within the house or abroade, as they shal be commaunded."[10] For the better fulfillment of these duties, the Gentleman Usher had to assist him on these occasions, a Gentleman Waiter and a Yeoman or two, appointed by himself.[11]

Service during meals in the Great Chamber and the Hall was naturally more elaborate still, and very great care was bestowed upon it. The nobility were not only huge consumers of food,

[8] Breviate, *Archaeologia*, XIII, 323.
[9] *Ibid.*, 333.
[10] Brathwait, 12.
[11] Breviate, 323.

but as proper men should, they greatly enjoyed eating, coming to table with thankful pleasure, and genially bidding to their repasts, strangers, great and small, who chanced to be within their gates. Altogether they took a justifiable pride in the stately operation of the whole comestible process, carefully choosing trained officers and flunkies to conduct its intricate details skilfully, for the reputation and the general well-being of their houses in the eyes of their contemporaries, depended no little upon the smooth running of this machinery, as we shall see.

In the first place, dining was a considerable part of each day's order; in fact, the preparation and eating of food was in most houses an almost continuous process. Ordinarily, that is excepting in special seasons like Lent, the establishment of the 5th Earl of Northumberland breakfasted from eight until nine o'clock, that repast almost merging into dinner, which was under way from ten until one o'clock, P.M. At three in the afternoon, drinkings were served, while supper was on the boards from four until seven o'clock, the day closing with a collation called the "Livery," served in this household at nine, P.M. This latter was quite a substantial fare, its menu for my lord and lady consisting of ". . . two Manchetts (a variety of bread) a Loof of Houshold Breid a Gallon of Bere and a Quarte of Wyne. . ." With the food were delivered also the lights for the night, their Graces retiring to their chambers with ". . . a Pound of White Lightts conteynyng xij Candles and vi Syses Viz. iij to my Lordis Footsheit and iij to my Ladys Chambre."[12]

Along in the reign of Elizabeth the hours for dinner and supper were set later than ten o'clock A.M. and four o'clock P.M. Harrison says "the Nobilitie, Gentrie, and Students do ordinarilie go to dinner at ELEVEN before noone, and to supper at five, or between FIVE and SIX at afternoone."[13] The hour for dinner, in the 17th century, in the houses of the Earl of Worcester and Lord Fairfax both, was eleven o'clock, A.M.[14]

While all food was set forth with a dignified solemnity, if one can judge from the servant equipment as it was appointed in different households, dinner was universally the pièce de ré-

[12] *Northumberland Household Book*, 96, 310, 314, 317, 318, 319. *Royal Household Ordinances*, 89, 90.

[13] *Northumberland Household Book*, 434.

[14] *Ibid.*, 419, 424.

sistance, upon whose elaborate pageantry no pains were ever spared. Customarily this mid-day meal was served in a well-ordered progress, adapted to the various ranks of people in a household, in the Great Chamber, the Hall and the kitchen.

In the Great Chamber two tables were dressed, one for the master of the household himself, with his family, and a second, known as the Knight's board, because ordinarily it accommodated any knights and gentlemen in the household; at this second table sat also her Grace's gentlewomen.[15] In the Hall, likewise were set several tables, the first of which in order, was always the Officer's board, for the upper dignitaries in the household — the Steward, Comptroller, Receiver, Gentleman of the Horse, and perhaps others, depending upon custom. A second table might be called the Yeoman's board, for at it were placed the Yeoman of the Horse, of the Beds, and so on, down, while below these were grouped the Grooms of the Stable.

These several constituted the first tables; after them boards were again prepared in the Hall for the waiters and others engaged in attendance upon the first tables, both in the Great Chamber and the Hall. The Gentleman Usher presided at the table of the Gentlemen Waiters, with the lord's Carver and Sewer beside him; below the Gentlemen Waiters came the Yeomen Ushers of the Chamber and the Yeomen of the Cellar, then the rest of the Yeomen Waiters and Grooms; still below these followed the Footmen, and the servitors, probably footmen also, who had attended at the Knight's board, while at the very bottom of this table were grouped the Officer's personal servants.

Another second table in the Hall was known as the Clerk's board, presided over by the Clerk of the Kitchen. His fellow diners were the Master Cook, the Usher of the Hall, the Yeomen and Grooms of the Pantry, Buttery, Ewery, the Groom of the Cellar, the Achator, the Yeoman of the Scullery, the Groom of the Hall, and perhaps some of the under cooks. The rest of the members of the household — hands from the kitchen, the Slaughterman and the Groom of the Scullery had their dinners in the kitchen.

This customary grouping has been set forth here in detail, because it was straightly observed, tremendous emphasis always

[15] *Ibid.*, 420, 301. *MSS. of the Duke of Beaufort*, 3, 5. Brathwait, 23.

being laid on a man's status. A hodge-podge table order were a shiftless error indeed — enough to disgrace a Gentleman Usher or a Marshal of the Hall, and to throw the entire domestic polity into disarray; nay more, so deeply ingrained in all was the sense of position with its tinkling attributes, that were any mistake in its observance made by an officer in charge, it possibly had amounted to a serious affront to the slighted servitor, and might lead instantly to a vociferous attempt at rectification by the aggrieved one, but of the observance of rank at table, more presently.

Service at the different tables was performed by corps of trained servants. Those ordinarily in attendance at his Grace's board were a Gentleman Usher, with Yeoman assistant, Carvers, Sewers, Cup-bearers, Gentlemen and Yeomen Waiters, together with Yeomen of the Pantry, Buttery, and Ewery, the Clerk of the Kitchen, and others not so directly concerned. In the household of the 5th Earl of Northumberland, all hands in the first group of servants, i.e. the Ushers, Carvers, Sewers, Cup-bearers, and Waiters, were chosen by the earl himself from among the men hired to serve him in other capacities ordinarily — as Stewards, Bailiffs, Park-keepers, Foresters, etc., and they all filled these honorary places of personal attendance on his Grace for an entire quarter at a time, serving in rotation shifts, and receiving no direct remuneration for the work. In this same establishment when the earl had his yearly accounting, and the "Secret House" was in operation, his Grace's second and third sons filled the positions of Carver and Sewer to their father at his table.[16] In other households some of these positions about the lord's table were filled simply for the day at the order of the Gentleman Usher; this was the case in the Earl of Worcester's establishment, where "daily waiters" are noted.

The Knight's board was attended by Footmen; the officer's table in the Hall by the personal servants of these dignitaries, under direct superintendence of the Usher of the Hall, who helped to place the food on the table. The Grooms of the Hall and the Stables waited at the Yeomen's board, and after carrying food to these, their official betters, they took their own places to

[16] *Northumberland Household Book*, 53 *et seq.*, 304-305, 362. *MSS. of the Duke of Beaufort*, 5. *Royal Household Ordinances*, 89.

be refreshed with food which they had fetched up for themselves. Serving at this second shift was done under the direction still of the Usher of the Hall, some of the men at least, like the officer's servants, waiting on themselves.

So much for some of the matter-of-fact details necessary to understand the elaborate ceremony of dining in the 16th century. This, however, is but the prosaic side of the picture, and life enough there was in the process, and zest, could one but have dropped in to enjoy it at Haddon House, Raglan Castle, or any one of the many splendid old establishments which flourished so proudly in that far gone day! But what was the ceremony of dining like when it was actually under way?

In the first place Mr. Gentleman Usher of the Great Chamber, with his assistant, the Yeoman Usher of the Chamber, was probably the most active man in the entire household personnel, and bore the heaviest responsibility in connection with the food service "The Gentleman Usher his place and chardge is, to governe all above staires, or in the presence of his lorde," and Richard Braithwait further enlarges on this officer's functions in this wise: "In former times gentlemen that were of years and long trained and experienced in that kinde of service, were chosen to this place; but of later yeares Earles and Ladies have better liked yonge gentlemen that were neate and fine in their apparell, to serve them in that roome; and yet, in my simple opinion, none ought to be chosen therevnto that had not for some yeares served as a gentleman waiter, and that could both serve and carve in a decent and comely manner; for he cannot possibly teach others that is ignorant himselfe; and his place is not only to instructe the gentlemen and yeomen waiters, but also the Yeoman of the Ewry, Pantry, and Seller, how and in what sorte they are to bring into the dining chamber, and to place upon the cubbard and table all things necessary for the service of their Lord." [17]

That his rule in his proper sphere might be the better he was ". . . to have at commaundemente, all the gentlemen and yeomen wayters, and to see into theire behaviors and fashion, that it bee civill, comelie and well, and if any defecte bee, in any of them, (he is) to instructe them in curteous manner, which is

[17] Brathwait, 10.

both good for them, and bettereth the lordes service; and if any of those saide wayters doe obstinatelie refuse to amende such faultes and deformities, then the gentleman usher is to acquainte the principall officers of the householde therewith, whoe is to reforme such defectes in them, or to dischardge them theire lordes service, as men not woorthie to serve in that place."[18] A check-roll of the Gentlemen and Yeomen Waiters was in the hands of the Gentleman Usher, so that all were bound to come to him for their instructions.[19]

The Gentleman Usher on duty "above stairs" began operations early — "The one of them is every morning to come into the great chamber, . . . and galleries at a convenient hower, to see that they be cleane swept and sweete kepte, and fires, or boughes, or rushes (as the time of the yeare requireth to be) in the chimneys."[20] The crafty Bassiolo, Gentleman Usher in Chapman's play of that title, shows, on one occasion, what a serious responsibility deftness in that one duty of clean sweeping and neat keeping entailed for him.

An entertainment is in preparation, and Bassiolo, hurried and vexed with incompetent help, is getting the room ready, he and his servants with carpet and rushes being under way with the work:

> Bas. Come strew this roome afresh; spread here this carpet;
> Nay, quickly, man, I pray thee; this way foole;
> Lay me it smoothe and even; looke if he will!
> This way a little more; a little there.
> Hast thou no forecast? slood, me thinks a man
> Should not of meere necessitie be an asse.
> Looke how he strowes here too: come, Sir Giles Goosecap,
> I must do all myselfe; lay me um thus,
> In fine smoothe threaves, looke you, sir, thus, in threaves.
> Perhaps some tender ladie will squat here,
> And if some standing rush should chance to pricke her,
> Shee'd squeak & spoile the songs that must be sung.
>
> (Act 2, Scene 1.)

The Great Chamber in order, the exacting work of setting the tables next engaged the attention of the Gentleman Usher and his Yeoman Usher. Instructions about the character of the din-

[18] Breviate, 322-323.
[19] *Ibid.*, 324.
[20] Brathwait, 11.

ner, whether it was to be a state function or not, together with a notice of the exact attendance at tables, were sent by the Usher to the Yeomen of the Pantry, Buttery and the Ewery, who forthwith made their necessary issues of plate and linen — damaske, diaper, canvas or holland as the case might be, and attended to dressing the boards.[21]

To that end the Ewerer ". . . shall brynge forthe clenly dressed and fayre applyed Tabill-clothis, and the cubbord-clothe, cowched uppon his lefte shulder, laying them uppon the tabill ende, close applied unto the tyme that he have firste coverd the cubbord; and thenne cover the syde-tabillis, and laste the principall tabill with dobell clothe draun, cowched, and spradde unto the degre as longeth therto in festis.

"Thenne here-uppon the boteler or panter shall bring forthe his pryncipall salte, and iiij or v loves of paryd brede, havyng a towaile aboute his nekke, the tone half honge or lying uppon his lefte arme unto his hande, and the kervyng knyves holdyng in the ryght hande, iuste unto the salte-seler beryng.

"Thenne the boteler or panter shall sette the seler in the myddys of the tabull accordyng to the place where the principall soverain shalle sette, and sette his brede iuste couched unto the salte-seler; and yf ther be trenchours of brede, sette them iuste before the seler, and lay downe faire the kervyng knyves, the poynts to the seler benethe the trenchours.

"Thenne the seconde seler att the lower ende, with ij paryd loves therby, and trenchours of brede yf they be ordeyned; and in case be that trenchours of tree (ie. wood) shalbe ordeyned, the panter shall bryng them with nappekyns and sponys whenne the soverayne is sette att tabill.

"Thenne after the high principall tabill sette with brede & salte, thenne salte-selers shall be sette uppon the syde-tabyls, but no brede unto the tyme such people be sette that fallith to come to mete. Thenne the boteler shall bryng forth basyns, ewers, and cuppis, Pecys (?) sponys sette into a pece, redressing all his silver plate, upon the cubbord, the largest firste, the richest in the myddis, the lighteste before."

Meantime the Gentleman Usher sought out his Carver, Sewer and Cup-bearers, and accompanied them to the ewery, where they

[21] Breviate, 321.

all had to wash their hands, after which the Carver and Sewer were "armed" under the Usher's eyes, by the Yeoman of the Ewery. A contemporary also describes that process as follows: "Hee (that is, the Yeoman of the Ewery) is alsoe to arme the carver, fouldinge his arminge towell full three fyngers broade or more, and that to putt about his necke, bringinge both sides of the towell even downe to his girdell, and puttinge them under his girdell faste, a littell waye, the endes are to hannge from thence right downe. His lordes and ladies napkines to bee laide faire, on his lefte shoulder, his owne napkine on his lefte arme, and so the carver beeinge armede . . . Hee is to arme the sewer with a towell, of the like foulde, to the carver, and is to putt it baudericke wise, aboute his necke, with a knotte thereof, so lowe as his knee, and both the endes of the towell to hannge lower at the leaste by a foote than the knotte. . ."[22]

The arming over the Gentleman Usher escorted the Carver to the Great Chamber ". . . where after dowtifull obedience made, the carver is to take sayes, of the breade, and salte, of the lord and ladies spoones, knyves, trenchers, and napkines, and to give those sayes to the pantler, who is to attend the chamber to that purpose. . ."[23] Because of this attendance by the Yeoman of the Pantry, noblemen liked to have a man for that office ". . . of seemely stature, wearing his apparell clenly and handsome. . ."[24] Whilst all this was under way, the Sewer repaired to the dresser to attend to his Grace's meat.

By this time the dinner hour was at hand, and his lordship and all appointed to dine with him in the Great Chamber had gone thither. The seating at table was arranged very carefully; at the lord's table the great salt-cellar, placed at its center, became forthwith a conspicuous marker of social status, for all were ranked at the board with reference to it. "The lorde . . . is to have his seate in the midest of the table, a littell above the salte, his face beeinge to the whole vewe of the chamber, and opposite to him, the carver is to stande, and at the upper hannde of the carver, the countis, or ells to sitte above the carver of the same side hee is of, opposite to her lorde. . ."[25] Be-

[22] Breviate, 332.
[23] *Ibid.*, 323-324.
[24] Brathwait, 29.
[25] Breviate, 321.

cause of this important function the salt-cellars used in the Great Chamber at least, were immense architectural structures. Sir John Fastolfe owned no fewer than six of those monumental master-pieces, one of which, in gilt, weighed fully thirty-four ounces![26]

All standing at their places, the Chaplain offered thanks. "Thenne the principall servitours moste take in ij handys, basyns and ewers, and towell, and therwith to awayte and attende unto the tyme that the grace be fully saide; and thenne incontynent after grace saide, to serve water with the principall basyn and ewer unto the principall severayne, and ij principall servitours to holde the towell under the basyn in lenght before the sovrayne; and after that the sovrayne hath wasshe, to yeve thenne water unto such as ben ordeyned to sytte at the sevrayne-is messe.

"Thenne after the wesshinge servid, the sovrayne will take his place to sitte, and to hym such persons as hit pleaseth hym to have. uppon which time of sittyng, the servitorys moste diligently a-wayte to serve them of qussyons, and after that done, to make such personys to be sette at the lower messe as the principall soverayne aggrees that be convenyent.

"Be it remembrid that evermore at the begynnyng of grace the covertour of brede shalbe avoyded and take away, . . ."

The first course was at length in order, but rightly to appreciate its ceremonious advent, it is necessary again to follow the Sewer, who, as we have seen, left for the chief serving-table, or the dresser, after his arming at the ewery. His walk to the dresser took him through the Hall, and the instant he entered it, the Usher of the Hall, who had to be ". . . a man of tall stature and stronge voice . . ." cried out—"*Gentlemen and Yeomen, waite on the Sewer.* . ."[27] Arrived at the dresser, the Sewer met there the Clerk of Kitchen, who had to be right at hand to attend him; the Sewer there called out for his lordship's first course, and gave ". . . sayes to the clarke of the kittchine, and the master cooke, of everie dishe that is servede to the lordes messe . . ."; [28] the procession then started with the first

[26] Inventory of effects, etc., *Archaeologia*, XXI, 247 *et seq.*

[27] Brathwait, 22.

[28] Breviate, 324.

course for the Great Chamber, headed by the Yeoman Usher of the Hall, who again called out as the service passed through the Hall "*Roome for the Sewer,*" whereupon all in the Hall removed their hats. It was customary in most households for the chief officers in the establishment to walk in this procession, each bearing his dish to the lord's table.[29]

The first course thus "countenanced" by the Sewer to his Grace's board, the Carver gave an assay to the Sewer and to each man carrying a dish, of the food in his dish, all standing, after which the Carver took his appointed place at table "there to staye, all dynner tyme, to carve and serve in that place at his discretion."[30] The Sewer was the Carver's assistant, remaining right at the former's side, except while countenancing the second course in its turn, all the ceremonial of which was the same as that used for the first course, except that the assays were received kneeling.[31]

". . . thenne the karver, havyng his napkyn at all tymes uppon his left hand, and the kervyng knyfe in his right hande, and he shall take uppon the poynte of his knyf iiij trenchours, and so cowche them iustely before the principall, iij lying iustely to-geder, ij under, and one uppon, and the fowerth before, iustely for to lay uppon salte. (i.e. to put salt on — ed. Furnivall.) and the next, lay iij trenchours; and soo iij or ij after her degree. therto the botler most be redy with sponys and napkyns, that ther as the trenchours be cowched, lay the spone and the napkyn therto, and soo thorowe the borde.

"Thenne the kerver shall take into his hande on or ij loves, and bere hem to the syde-tabill ende, and ther pare hem quarter on first, and bring hym hole to-geder, and cowche ij of the beste before the sovrayne, and to others by ij or on after ther degree.

"Thenne the kerver or sewer most asserve every disshe in his degre, after order and course of servise as folowith: first mustard and brawne, swete wyne shewed therto. (i.e. served with it.)

Potage.

"Befe and moton, swan or gese. grete pies, capon or fesaunt; leche or fretours. Thenne yef potage be chaungeabill after

[29] Brathwait, 22. Breviate, 317. *Northumberland Household Book*, 420.
[30] Brathwait, 22.
[31] Breviate, 324.

tyme and season of the yere as fallith, as here is rehercid: by example, ffor befe and moton ye shall take

Pastelles or chynys of porke,
or els tonge of befe,
or tonge of the harte powderd;
Befe stewed,
chekyns boylyd, and bacon.

"Thenne ayenste the secunde cours, be redy, and come in-to the place. the kerver muste avoyde and take uppe the service of the first cours, — begynnyng at the lowest mete first, — and all the broke cromys, bonys, & trenchours, before the secunde cours and servise be served. Thenne the second cours shall be served in manner and fourme as ensample therof hereafter folowyng:

Potage. pigge	lamme stewed
Cony	Kidde rosted
Crane	Veneson rosted
heronsewe	heronsewe
betoure	betoure
Egrete	pigeons
Corlewe	Rabbetts
wodecok	a bake mete
Pert[r]igge	———
Plover	Stokke-dovys stewed
Snytys	cony malard
quayles	telys wodecok
ffretours	grete byrdys
leche	

"After the seconde cours served, kerved, and spente, hit must be sene, cuppys to be fillid, trenchours to be voyded. thenne by goode avysment the tabill muste be take uppe in the maner as folowith: — first, when tyme foloweth (alloweth?), the panter or boteler must gader uppe the sponys; after that done by leyser, the sewer or carver shall be-gynne at the loweste ende, and in order take uppe the lowest messe; after the syde-tabill be avoyded and take uppe, and thenne to procede to the Principall tabill, and ther honestly and clenly avoyde and withdrawe all the servise of the high table. ther-to the kerver muste be redy, and redely have a voyder to gader in all the broke brede, trenchours, cromys lying upon the tabill; levyng none

other thyng save the salte-seler, hole brede (yf any be lefte), and cuppys.

"After this done by goode delyberacion and avysement, the kerver shall take the servise of the principall messe in order and rule, begynnynge at the lowest, and so procede in rule unto the laste, and theruppon the kerver to have redy a voyder, and to avoyde all maner trenchours [&] broke brede in a-nother clene disshe voyder, and cromys, which with the kervyng-knyf shall be avoyded from the tabill, and thus to procede unto the tabill be voyded. Thenne the kerver shall goo unto the cuppebord, and redresse and ordeyne wafers in to towayles of raynes or fyne napkyns which moste be cowched fayre and honestly uppon the tabill, and thenne serve the principall messe first, and so thorowe the tabill. j or ij yf hit so requere: therto moste be servid swete wyne and in feriall (holiday) tyme serve chese shraped with sugur and sauge-levis (sage-leaves) or ellis that hit be faire kervid hole, or frute as the yere yeveth, strawberys, cherys, perys, appulis; and in winters, wardens, costardys roste, rosted on fisshe-dayes with blanche pouder, and so serve hit forth Thenne aftur wafers and frute spended, all maner thinge shalbe take uppe and avoyded, except the principall salt-seler, hole brede, and kervynge-knyves, the which shalbe redressed in maner and fourme as they were first sette on the table; the which, principall servitours of the pantre or botery, havyng his towaile, shall take uppe, and bere hit into his office in like wyse as he first brought hit unto the Tabill.

"Thenne the principall servitours, as kerver and sewer, moste have redy a longe towaile applyed dowble, to be cowched uppon the principall ende of the table; and that towell must be iustely drawen thorowe the tabill unto the lower ende, and ij servitours to awayte theruppon that hit be iustely cowched and sprad. after that done, ther muste be ordeyned basyns, and ewers with water hote or colde as tyme of the yere requerith, and to be sette uppon the tabill, and to stonde unto the grace be saide; and incontynent after grace seide, the servitours to be redy to awayte and attende to yeve water, first to the principall messe, and after that to the seconde, incontynent after this done, the towayle and tabill-clothis most be drawen, cowched, and sprad, and so by litill space taken uppe in the myddis of the tabill, and so to be delyvered to the officer of pantery or botery.

"Thenne uprysyng, servitours muste attende to avoyde tabills, trestellis, formys and stoyls, and to redresse bankers and quyssyons. then the boteler shall avoyde the cupborde, begynnyng at the lowest, procede in rule to the hieste, and bere hit in-to his office. Thenne after mete, hit most be awayted and well entended by servitours yf drinke be asked. and yf ther be knyght or lady or grete gentil-woman, they shall be servid uppon kne with brede and wyne." [32]

The Gentleman Usher, throughout the repast was alert to its correct progress; "Hee is to take his place for dinner and supper at the bordes ende, the better to see through the whole table, the behaviour of all the servanntes, and where any wants bee, to have them supplied, and that there bee not talkinge, neather any discourse amongst them, but to bee quiette while meales bee donne, for loud talke at that tyme, and in that place, in all houses of order, is accompted barbarus and rusticall, and therefore by them to bee especiallie avoided and looked into." [33]

Some of the things which engaged the attention of a watchful Usher during dinner, are described in the directions for service which were observed in the household of Lord Fairfax, and probably in scores of other noble houses, a part of which directions, in the words of an old servant of that house are as follows:

"If one Servant have occasion to speak to another about Service att the Table, let him whisper, for noyse is uncivil.

"If any Servant have occasion to go forthe of the Chamber for any thing, let him make haste, and see that no more than towe be absent. And for prevention of Errands, let all Sawees be ready at the Door, for even one messe of Mustard will take a Man's attendance from the Table; but least any thing happen unexpected, let the Boy stand within the Chamber Door for Errands.

"And see that your Water and Voyder be redy soe soon as Meate is served and sett on the Table without. Have a good eye to the Board for empty Dishes and the placing of others, and let not the Board be unfurnished.

"Let no man fill Beere or Wine but the Cup-board Keeper, who must make choice of his Glasses or Cups for the Company, and not to serve them hand over heade. He must also know

[32] "FFor to serve a lord," in *Manners and Meals in Olden Time*, Part 3, 366 *et seq.* Early English Text Society, J. Furnivall, ed.

[33] Breviate, 325.

which be for Beere and which for Wine; for it were a foul thing to mix them together." And finally the oft repeated injunction admonishing silence — "for it is the greatest part of Civility."[34] With this last precept should be set down in conclusion a note of the Usher's orders to the servants not to harken to any table-talk, a delinquency on their part which often enough, probably called for his correction. Every Gentleman Usher was supposed ". . . to give notice to all wayters, that they give noe eare to table taulke, for that withdraweth the eie and minde from respecte of theire service, for the eye muste bee still movinge about the sercuite of the table, that if any wanntes bee, thay maye with speede bee suppliede."[35]

Probably most households, as did the establishment of Edward, Earl of Derby, helped the Gentleman Usher to get effective waiter service, by demanding a preliminary training. His Grace ordered ". . . that no gent. comyng to my L. service shall wayte at the table before my L. gyve conc. and no yoman shall wayte till he have bene in the house one yeare and moore at my L. his pleasure."[36]

It remains to be said concerning the dinner service on ordinary occasions in the Great Chamber, that while it was in progress, the Yeoman Usher took his stand at the door of the Chamber, to see to it that none gained admittance to the room but those who had the right to enter.[37]

Dinner in the Hall was ordinarily as pompously conducted, in proportion, as it was in the Great Chamber. Here, however, all the deference was paid to the Officers of the Household, at the first table, the entire service being under command of the Yeoman Usher of the Hall. As has been observed the Yeoman attended personally to dressing the Officer's board and "When the Earles table and gentlewomen are served, the Vsher with a lowde voice is to saye: *To the dresser gentlemens men, for my Lords cheefe Officers.*"[38] His further functions are best set forth by the contemporary, Brathwait: "Meate being placed on the tables, the Vsher with a lowde voyce is to call, *Pantler*, who

[34] *Northumberland Household Book*, 423-424.
[35] Breviate, 323.
[36] *Stanley Papers*, Part 2, 8.
[37] Breviate, 332-333.
[38] Brathwait, 23-24.

therat is to come and furnish the bordes with breade. Afterwards he is to call, *Butler*, and then he is to set beere on the tables, and so often as he shall call either of them in meale times, they must come to bring bread or beere that wanteth. When the second course is served to the Earles table and to the gentlewomen, then is the Vsher to bring the Officers second course and to send for such reward as is allowed to them that sitt at their table, or to strangers, or other bordes." [39]

"The Yeomen and Groomes having dined or supped, the Vsher is to call, *Amner* (Almoner) *take away*, which being done the Yeomen and Groomes are to rise and come and doe reverence to the cheefe Officers. When they have dined and thancks given to God, their meate taken of the table by their owne men, the Vsher is to call *Ewer*, who is to come and serve the Officers with water, the Vsher holding the Towel." [40] Hereupon the rest of the dinners followed in their proper order, as described above.

Intricate as were all the arrangements for service in the Great Chamber and the Hall as just described, added details always augmented their solemn pompousness when guests, friends or strangers came to sojourn at a nobleman's castle. This was exceedingly frequent, so common, in fact that it might have been truer to the ancient mode of life whose description is in order here, had the customs observed for entertainment been explained as the ordinary day's order of events.

Hospitality was constantly and generously practiced, as just

[39] In most household accounts there was ordinarily one group of accounts under the caption "Gifts and Rewards" which were varying sums of money, generally small, and which might include payments to some of the household servants by guests in the house. Thus in the household accounts of Richard Bertie, March of 1850 — "In rewarde to the servants in Mestress Sissells house," 6s:8d. *Grimsthorpe House Papers*, 463. This might have been the meaning of "reward" as used by Brathwait. Another meaning, however, seems more probable. The "Boke of Curtasye" dated by Mr. Furnivall c. 1430-1440, portraying the duties of the Marshal of the Hall, says —

> "When brede fayles at borde aboute,
> The marshalle gares sett with-outen doute
> More brede, that calde is a rewarde,
> Se shalle hit be preuet be-fore stuadre." — p. 312.

The Boke of Curtasye, in Manners and Meals in Olden Time, Ed. by Furnivall for the Early English Text Society.

[40] Brathwait, p. 24.

observed, and usually on a scale, furthermore, whose generous proportions make a modern wonder. The 5th Earl of Northumberland made yearly allowances for guests, and the costs were regarded as an integral part of his household expense budget; in 1512, computing his probable accounts for 1512-1513, he calculated on entertaining fifty-seven strangers, on the average, daily throughout the year, and he rated the cost at two and one-half pence per man each day.

Almost as a matter of course, folks went in and out of these great houses, tarrying, perhaps, for a single meal, or even lighter refreshment, or stopping for a protracted sojourn. The country establishments of the Earls of Derby were constantly the resort of guests of all degrees, the Steward's weekly journal being largely given over to an enumeration of visitors, with note of their advent and departure; the following, selected at random, are all characteristic entries: June 10th-16th, 1586. — "On Sondaye Mr. Bradshaw came to dyner, Mr. Rec. (i.e. Receiver) Mr. Carter, Mr. Caldewell, came, and Mr. Leigh pretched; on Monday, all my L. Cownsell came, and Mr. Caldewell pretched, Mr. Cutebert Halsoll and his wiffe, Mr. Skillycorne came, Mr Henry Stanley senio. & Mr. Henry Stanley Jvnio. Mr To. Preston, & Mr. Christofer Preston came; on Tvesday my L. Bushoppe of Chester & Mr. Salesbury came; on Wednesday more strandgers there all daye; on Thursdaye they went all awayes save my L. busshoppe who dep'ted vpon fryday: and this weke was Whitson Weke."

Again August 12th-19th, 1587, — "On Sonday Mr Rec. came, Sr. Ryc. Mollynex, Mr Petter Leigh, Mr Tildesley, & many more at dyner, yong Mr Halsall and Mrs Dorothy Stanley came; on Monday ij unkles of Mr Salusburyes came, & alsoe yong Mr Trayfforth & Mr Worseley; on Tvesday my L. rode into Wirrall, Mr Salusbury & his wiffe to Sefton, on wch. daye all strandgers went away; my L. Strange's little doughter stayed, on Thursday Mr Salesbury came again; on Friday Mr Halsall and Mrs. Dorothie came againe; & on Saturday my L. retorned home."[41] Some of these people were relatives of the Stanley family, but the majority were "strangers."

Similar notes from like accounts kept for the Willoughbys at

[41] *Stanley Papers*, Part 2, 30-31, 35-36.

Wallaton bear eloquent testimony to their generous entertainment of guests. During the year 1587-1588, the clerk frequently notes — "This weke howshold only, with comers and goers." But notable folk dropped in upon them from time to time, and such were always recorded with more flourish — "July 1 — This weeke Mr. Percyvall Wyllughby and Mr George Pudsie and his sonne came on Monday at nighte; Mr George Pudsie and his sonne went awaye on Thursday morning, and Mr. Percy stayed all the week. And this weeke on Wednesday Sir Thomas Mannours dyned at the Chauntrey with other comers and goers."

Often the Earl of Rutland with his Countess and, perchance, a goodly retinue visited at Wallaton — "The xj day of November, being Saterday in Lenton Fayre tyme, the Earle of Rutland and the Cowntysse, Sir Thomas Manners and his Lady, Sir Gervas Clyfton and his Ladie, Sir Anthony Strellery and his Ladie with dyvers other gentlemen of six score persons dyned." In August of 1599 again, the earl with many other gentlemen "came to denner with LXX persones attendinge." Or perhaps it was just a friendly neighborhood call — August 12th, 1599 — "Many nigbores that came to see my mistress dyned here teis daye." or August 13th — "XXX wyves of Wallaton that came to see my mistress dyned hear this day." [42]

At festival times, entertainment frequently assumed tremendous proportions. For Christmas in 1508, Edward, Duke of Buckingham, at his residence of Thornburg, feasted two hundred and ninety-four people at dinner and supper, of whom one hundred and eighty-two at dinner, and one hundred and seventy-six at supper were "strangers." On January 6th, at the Feast of the Epiphany of the following year, this same nobleman entertained five hundred and nineteen people at dinner and four hundred at supper, the total number of strangers at the first repast being three hundred and nineteen, and at supper two hundred and seventy-nine.[43]

On both of these occasions the feasters made up a cosmopolitan assemblage, including members of the ducal household, lords and knights, bailiffs, tenants, both of the duke and of

[42] *MSS. of Lord Middleton*, 454, 461, 462, etc.

[43] Household Accounts, *Archaeologia*, XXV, 319 *et seq.*

his retainers, religious men — chaplains and abbots, musicians and waits, who probably amused the throng, together with a great number unnamed, so many "from the town" and so many "from the country."

The truly delightful and spontaneous manner in which entertainment might be offered, is displayed in a contemporary narrative by one of three men, who, in August of 1634, made a survey of twenty-six counties, in a seven weeks' journey begun at Norwich. They were a "Captaine, a Lieutennant, and an Ancient" of the military company of Norwich, and in the course of their peregrinations they fetched up at Naworth Castle, one of the great residences of Lord William Howard, of border fame.

Unfortunately, at their arrival, Lord William was not at home, so after tarrying a brief while, the three repaired to the ancient city of Carlisle; thither a servant of his Grace's was later dispatched, to invite them to dinner at Corby Castle, where Lord Howard was then sojourning; highly honoured, the flattering offer was at once accepted, and the story of their visit follows, as it was afterward set down by one of them: ". . . The next day wee went thither, and were by that generous brave Lord curteously and nobly entertayn'd, and sorry, he sayd, he was, that hee was not at Naworth to give us then the like. His Lordship's commaunds made us to transgresse good manners, for neither would he suffer us to speak uncover'd, nor to stand up (although our duty requir'd another posture) but plac'd us by his Lordship himselfe to discourse with him untill dinner time.

"Anon appear'd a grave and vertuous matron, his Honorable Lady, who told us, indeed we were heartily welcome, and whilst our Ancient and my selfe address'd our selves to satisfy his Lordship in such occurrences of Norfolke as he pleas't to aske, and desir'd to know, wee left our modest Captaine to relate to his noble Lady what she desir'd. These noble twaine (as it pleas'd themselves to tell us themselves) could nott make above 25 yeares both togeather, when first they were marry'd, that now can make above 140 yeares, and are very hearty, well, and merry, and long may they continue soe, for soe have they all iust cause to pray, that live neere them, for their hospitality and fre enter-

tainment, agrees with their generous and noble extraction, and their yeeres retaines the memory of their honorable predecessors' bountifull house keeping.

"Amongst other dishes that camé then to his Lordship's table, one there was serv'd in at the second course, which was not usuall, a live roe; and as there was great store of venison, soe was there plenty of wine, and as freely these two noble persons commaunded it to be filled. I verily thinke his Honor may commaund venison there as our southerne gentlemen doe sheep heere, for I heard his Lordship say that his sonnes had then kill'd out of his owne parkes 120 buckes of this season. Soone after dinner we desir'd to take our leaves, and to that end wee presented our selves, which his Lordship courteously graunted, after wee had told him our designes, and commaunded one of his gentlemen to accompany us over those dangerous fells, and to be our guide to Graystoke Castle, his noble nephew's, and himselfe vouchsaf'd to bring us through his gardens and walkes to the river side, and there committed us to a noble gentleman his sonne to passe in a boat with us over the said river. . ."[44]

The gossipy interlude played by hosts and guests, offers one explanation for the universal custom of lavish hospitality observed by all noblemen in those days. For most people, life was very isolated, travelling precarious and costly — naturally then, how welcome were those who brought in news of the outside world — "occurrences at Norfolke"! Furthermore, it must be remembered that entertainment offered an opportunity for display; it exalted the prestige of a house; both were desiderata highly worth while; and finally, a weighty consideration, all the noblemen still had numerous important relations with many people in the adjacent country-side, due to their old feudal status; they were constantly besought on business by this one or that, and common respectability, no doubt, frequently urged hospitality upon them. The 5th Earl of Northumberland was compelled to retain always the services of one of his household council, even when he kept his so-called "secret-house" during accounting times, ". . . for Aunswering ande Riddyng of Causis whenne Suters cumeth to my Lorde."[45] Probably these

[44] *The Household Books of Lord William Howard of Naworth Castle*, 480-490.

[45] *Northumberland Household Book*, 304.

"suters" frequently came from a distance, or were good tenants — in any case deserving of some entertainment.

Before turning next to a description of what might be called the mechanics of hospitality, one other consideration is in order concerning it. Whatever its character, plain or sumptuous, crowded or otherwise, there was nothing slip-shod about the conduct of entertainment anywhere; in fact, from the accountant's side of the picture, it was strictly a business proposition, the amusement or satisfaction to a host growing actually insignificant compared with the looming magnitude of the expense involved. It was a very costly luxury, and strictness regarding accounts was but a necessary precaution to control it.

The 5th Earl of Northumberland commanded his brevement clerks to record by name every stranger who came to the house.[46] Every day his Clerk of the Kitchen had to ". . . cast up . . . the Chequyrroll ande the Straungeours ande deduct the Vacauntes to see how th' Expenses of the Brevements woll wey togeder ande whanne they finde a Deffawt too refforme it furthwith ande shew the said Officers there Deffawtts in there mysbrevynge if they be soo founde."[47] The earl's regulation for obtaining this accounting is too spectacular to omit; it follows verbatim — a leisurely, windy globe-circuit to achieve a simple problem in arithmetic:

> "THE FOURM OF A DRAUGHT How it schal be for TOTALLING of the NOUMBRE of the Chequirroil with the Noumbre of the Straungers the Vacants Deducted For a Mouneth When they caste up the Parsonnes at the Mounthes end.

"FIRSTE To caste ovir the Parsonnes of the Chequirroill Double every Etting Daie Ande upon the Fasting Daies but Single the Parsons Ande than to Deducte all the Parsons that be Vacante of the Chequirroill in the saide Mouneth Ande make that the Nombre of the Chequirroill The Parsons that ar Vacant Deducted.

"ITEM Than to caste ovir all your Straungers in the saide Mouneth.

[46] *Northumberland Household Book*, 115.
[47] *Ibid.*, 117.

"ITEM Than to caste ovir all your Vacantes of the Parsonnes of the Chequirroill wanting in the saide Mouneth.

"ANDE than to caste the Fyrste Noumbre in the whiche the Vacants of the Personnes of your Chequirroil are deducted and laye to theim your Straungers daily in the saide Mouneth to the said Noumber Ande than to take half of it uppon the Fasting Daie and Double the Etting Daye And than to make the Nombre of the same." [48]

Finally to guarantee against any negligent accounting, his Grace ruled that breving be done twice a day ". . . Furst Tyme incontinent aftir the Dynner Ande the Second Tyme at Aftur Supper when Lyverys is servid at highe Tymes as Principal Feests. . . And at any outher tymes when ther is any great Repaire of Straungers in the Hous Bicause the Officers shalle not forget for longe beering of it in their mynds." [49]

While not affecting guests exactly, ordinances established both by the Duke of Clarence and the Earls of Derby, reflect the desire of those noblemen to keep their establishments free from useless hangers-on. In 1469 Clarence ruled — "ITEM, That noe person of the courte, of what degree or condition he be, leve behynd hym, when he departeth oute of the courte, neither man, childe, horse, grayhoundes, ne other houndes to the seid Dukes charge, uppon peyne of losinge a weeke's wages." [50]

Similarly, in 1568, Edward, 3rd Earl of Derby instituted — "It'm that there shall not be anie yoman or other not in the Chekerolle that shall tarie to burthen my L. his house, but one daye or meale at one tyme." [51]

Astute old Burghley expressed himself most clearly to his son on this important side of domestic life — "And touching the guiding of thy house let thy hospitality be moderate & according to the means of thy estate, rather plentifull than sparing, but not costly. For I never knew any man grow poor by keeping an orderly table. But some consume themselves through their secret vices, and their hospitality bears the blame. But banish swinish drunkards out of thine house, which is a vice imparing

[48] *Northumberland Household Book*, 290-291.
[49] *Ibid.*, 164.
[50] *Royal Household Ordinances*, 93.
[51] *Stanley Papers*, Part 2, 9.

health, consuming much & makes no shew. I never heard praise ascribed to the drunkard, but [for] well-bearing [of] his drink; which is a better commendation for a brewers horse or a drayman, than for either a gentleman, or [a] serving man."[52]

That wise old nobleman lived up to his advices too. A contemporary says of his hospitality — "When his Lordship was able to sit abroad he kept an honourable table, for noblemen and others to resort [to]. But when age and infirmity grew upon him he was forced to keep his chamber: where he was void neither of company nor meat. Having as many of his friends and children [to dine with, and keep him company there] as before, he had strangers in his parlor. His diet being then as chargable weekly, as when he came abroad. His Lordships hall was ever well furnished with men, [and as well] served with meat, and kept in good order. For his steward kept a standing table for gentlemen, besides two other long tables [many times twice set] One for the clerk of the kitchen and the other Yeomen."[53]

In conclusion now, some of the management details connected with the entertainment of guests in the household. In a well-ordered establishment, if it were known that guests were expected, entertainment for them began really with the cordial reception designed to put them at their ease at their very advent. Lord Fairfax, for example, commanded "That all the Servants be redy upon the Terras at such tymes as the Strangers do come, to attend their alightinge."[54] This nobleman was but one of the scores probably whose politeness to strangers began at the castle gates.

At meal times strangers were carefully sorted and ushered to table, where, as with all in the household, their places were determined by their social status. If guests chanced to be of the nobility, they dined with the lord of the household, at his board, while those of inferior degree were placed at the Knight's table in the Great Chamber, or with the officers in the Hall, and so on, as might be. If there were a great press of guests, as, for example, during holiday season, numerous tables would be set

[52] Advice to his son. Peck, *Desiderata Curiosa*, 47-48.

[53] Anon. Biography in Peck, *op. cit.*, 22 *et seq.*

[54] *Northumberland Household Book*, p. 421.

up in the Great Chamber and the Hall, each presided over by some officer of the household, who properly represented the establishment at his board. There were occasions when each of the officers had his table in the Hall.[55]

In the Great Chamber, the Gentleman Usher had the delicate and conceivably awkward and troublesome task of arranging the seating at table. He ". . . is to have speciall respecte howe to place all such the beste sorte of stranngers, at the lordes table, least by wronnging any in such sorte, discontentment maye growe, and if hee doubt in his owne knowledge, hee is to take the opinion of the lorde, for the better avoidinge any such wronng. . ."[56]

All "above salt" at the lord's board end, had the special consideration of the Carver and Sewer, who, unless directly ordered by his Grace or her ladyship, were to pay no attention to any of the benighted crew below the condimental line of demarkation![57] Above or below the salt! An expression replete with significance, especially for the Gentleman Usher. Every phase of that functionary's activities "above stairs" were important, however, and especially so, his duties in the Great Chamber, where the pressure upon him may be sensed as well from what has been noted already, as from the following additional contemporary observations concerning the urgent need for a well-conducted service in that place—"Hee (the Gentleman Usher) is to see the greate chamber bee fynne and neatlie kepte, and that there wannte noe necessarie utencies therein, and to commannde the yeomen ushers of the greate chamber, to execute theire derections whatsoever, for theire lordes service, to bee donne with speede, for in that place there muste bee noe delaye, because it is the place of state, where the lorde keepeth his presence, and in the ieyes of all the best sorte of stranngers bee there lookers on; that what faulte beeinge there committed, bee never so littell, sheweth more than in any place ells wheresoever, and therefore a special respecte, care and dilligens, is to bee had therein, for that place before all others is the cheefe and principall staite in the house, for service there not dewlie and comlie

[55] Brathwait, 21.
[56] Breviate, 325.
[57] Brathwait, 321-322.

donne, disgraceth all the rest in any place ells, as littell woorth, what chardge of entertaynement soever bee bistowede, wherefore the gentlemen ushers is to take a special care herein for theire creddite sake and honnor of that place."[58]

Richard Brathwait was surely correct when he closed his remarks about this office with saying — ". . . onely this will I adde, that they are to be well countenanced, bothe by the Earle and his Ladye, otherwise their appointments will be little regarded; also in respect that (if rightly they use their place) it will be founde not so pleasant as painefull vnto them."[59]

It is only fair to noblemen, however, to presume that proper "countenancing" was a most difficult task, a flaw in the accomplishing of which might result very seriously for all concerned. The 9th Earl of Northumberland, whose conjugal relations, to be sure, weren't what they might have been, warned his son and heir in the following uncomfortable vein — "Gripe into yowr hands what poore soe ever yow will of governement, yett will there be certain persons about yowr wyffe, that yow will never reduce; — a gentleman ushier, her tailor, and her woman; for they will ever talke, and ever be unreasonable."[60]

There were other exigencies too, unpleasant, possibly dangerous, or perhaps simply diverting. Referring again to Chapman's play, the Gentleman Usher, already quoted: part of the plot turns upon Prince Vincentio and his pal, Lord Strozza, who are scheming to promote the Prince's difficult court-ship of Earl Lasso's pretty daughter, Margaret. Circumstances seem to make the prospect of success very doubtful, but Strozza says to the Prince —

> Stro. Despaire not: there are meanes enow for you;
> Suborne some servant of some good respect
> Thats neere your choice, who, though she needs no wooing,
> May yet imagine you are to begin
> Your strange yong love sute, and so speake for you,
> Beare your kind letters, and get safe accesse.
> All which, when he shall do, you neede not feare
> His trustie secrecie, because he dares not
> Reveale escapes whereof himselfe is author;
> Whom you may best attempt she must reveale;

[58] Breviate, 322.
[59] Brathwait, 12.
[60] Advices to his son, *Archaeologia*, XXVII, 337.

For if she already loves you, she already knows,
And in an instant can resolve you that.

and the Prince, forthwith seizing his first opportunity to put this advice into effect presently addresses Margaret thus, —

Vin. You needes must presently devise
What person, trusted chiefley with your guard,
You thinke is aptest for me to corrupt,
In making him a meane for our safe meeting.

and Margaret replies, right off-hand, completely sure of herself —

Mar. My fathers usher, none so fit,
If you can worke him well: and so farewell,"

and surely enough, Bassiolo it was, who really furthered the suit of the young lovers, though in a manner both cowardly and ungracious.

But to return to our theme — Another custom altered most pleasantly the ordinary manner of dining in the castle when guests were about. Brathwait says — "At great feasts, or in time of great straingers, when it is time for the Ewer to cover the table for the Earle; (the Trumpetter) . . . is to sounde to give warning, and the drumme to play till the Ewer be readie to goe up with the service, and then to give place to the Musitians, who are to play . . . upon Shagbutte, Cornetts, Shalmes, and such other instruments going with winde. (and) In meale times to play upon Violls, Violins, or other broken musicke." [61] Surely a delightful addition to the whole stately ceremonial! Against this need for music in time of "great strangers," much might be said; preparedness, was of course, part of the day's order; thus the Earl of Rutland paid on April 9th, 1541 "to Richard Pyke for corde for the drumme and skynnes for the hede of the drumme agaynst the Duke of Norfolke's comynge to Belvoire." 3s:4d., and again, "Item, to the regall make, for Nottingham for bryngyng a paire of regalles agaynst my Lorde's Grace Duke of Norfolke comyng, 12d." [62]

For guests of a lesser degree, or on the occasion of a festival, the service in the Great Hall was also enriched. A Marshal or Marshals of the Hall, if such honourable positions were not ordinarily filled by one or two of the lord's chief officers, would

[61] Brathwait, 44.
[62] *MSS. of the Duke of Rutland*, 4, 309, 313, etc.

surely be elected to office for the time being, they to have during all the ceremonies, entire charge and running of the Hall. Brathwait well describes the duties of this office: "If the Earle be to receive and entertaine the Kinges Majestie, Queene, or our Lord the Prince, for that time he is to make choice of such a gentleman, either of his ordinarie household or of his Retainers, as his Lordship shall thincke fittest to supply that place, who should be a man well experienced, courteous, and well spoken; he is to carry in his hand a white rodd, and to appoint the Yeomen Vshers to place all strangers according to their degrees, as he shall direct them. He must be allowed out of the household offices to have such meate, breade, and beere, as he will send unto them for: For it is not sufficient that the Kinges Majestie and such Nobles as attend be roially feasted and entertained, if Servingmen and such meaner personages be not liberally and bowntifully served; nor shall the feast carry any great fame, if the Hall and such places wherin Servingmen and their like, are be streighted and scanted. Therfore the Marshall and the Yeomen Ushers should be men that with francke and kinde speeches can grace the service."[63]

The Yeoman Usher of the Hall furnished the Marshals with their white staves, which were always in the latter's hands when they were on duty in the Hall, ". . . but if they goe forth, they are to leave them with the Porter till they returne."[64] As a requital for this little service on the part of the Yeoman Usher, the Officers Marshal gave him each year ". . . a new yeares gift, which is proper to him selfe."[65]

Such were the more important features of the daily service in the Great Chamber and Hall in Tudor times. The description is fragmentary, but contemporaries, well schooled in the matter they discussed, have supplied the details used, and their old narratives suffice, after all, to convey no mean impression of the subject in which they were so deeply interested.

[63] Brathwait, 20.
[64] *Ibid.*, 25.
[65] *Ibid.*, 25.

CHAPTER VIII

WORSHIP AND CHARITY IN THE HOUSEHOLD

"Under the shadow of Thy wings I flie for refuge O Almightie God of power and glorie, before whom Hell is naked and destruction has no covering — before whom Angells hide their faces and the pillars of Heaven shake, who inhabitest Eternity, and who had no beginning and never shall have end, who is the beginning and end of all things, 'Maker of Heaven and Earth'."

"We may go from East to West, from North to South; we may ransack all ages from one to another, and whever we find MAN we also find a Religion and God acknowledged by sacrifices and prayers, although men have diversely conceived of God according to their own fancies and imaginations."

"Some tell us that the true religion is nothing else but charity, which is the performing of a man's duty toward his neighbor. And men, if they durst, would also tell us that religion is but an instrument of civil government. We say that religion cannot exist without charity, yet that charitie is not the mark whereby to discern the true religion, but to discern who is religious."

— *From The Private Devotions of James, Seventh Earl of Derby.*

Before the religious reform carried its austere practices into effect in England, the spiritual side of the life in a great household was a phase of domestic existence most elaborately and beautifully ministered unto. Self-sufficing in so many respects, these noble establishments maintained a complete equipment for amply conducting the intricate and varied ritualistic services of the old church.

In the early sixteenth century the 5th Earl of Northumberland supported eleven priests in his household; they were the Chapel-Dean, Surveyor, Secretary, Almoner, the Sub-Dean, who ordered the choir daily in Chapel, his Grace's Riding Chaplain,[1] a Chaplain attending daily upon the earl's eldest son and heir, the Clerk of the Closet, the Master of Grammar, the Gospeller, and lastly, the Lady Mass Priest. From the very nature of their

[1] *I.e.*, to accompany the earl on a journey, etc.

official positions, various of these men were often otherwise occupied than with spiritual affairs. However, the rule was laid down, that while this group of servitors was relieved from daily attendance, and from waiting in the Great Chamber upon the earl, because of their duties of office, they did have to be on hand at service times and at meals.[2]

In addition to his clerics, the earl had a practiced choir concerning whose efficiency he was very solicitous. In 1512 it was composed of fifteen persons — six children and nine men, basses, tenors and countertenors,[3] and then cost Northumberland £35: 15s. annually, in wages.[4] Later, however, when it was demonstrated that the four countertenors could not supply all the places for those voices which the household services required, two additional singers were at once hired.[5]

Careful orders were formulated for these servants, describing the allotment of their places in the conduct of the different religious exercises. Thus the four priests were responsible for singing Mass each day; the Sub-Dean officiated at High Mass at "double feasts" and was to stand ready ". . . to ease outher Preistis of Masse when he seith they shall nede." His three fellows apportioned among themselves the duties of leadership at High and Lady Mass each week, the officiator at the Lady Mass serving as Gospellor the same week at High Mass.[6]

For the services at Matins, Mass and Even-song the principals in the Chapel were regularly ordered after this wise, — on the "Dean's side," that functionary himself, with the Sub-dean, then a bass, a tenor and three countertenors, while on the "second side" were ranged, first the Lady Mass priest, then, in order, the Gospeller, a bass, two countertenors, a tenor, a countertenor and a tenor. The choir Rectors at these services were changed throughout the week, probably to suit the exigencies of the antiphonal music sung or to avoid monotony; on Monday and Tuesday basses stood Rectors on either side; on Wednesday two countertenors occupied the positions, while Thursday, Fri-

[2] *Northumberland Household Book*, 322-323.

[3] *Ibid.*, 44. The highest male voice, usually a falsetto.

[4] *Ibid.*, 27.

[5] *Ibid.*, 367. (There was an addition to the basses also; compare 40-41 and 373-374.

[6] *Ibid.*, 376.

day and Saturday, leadership was assumed by a countertenor and a tenor in alternation.[7]

The Chapel stations as arranged for the Lady Mass during the week stood usually, three countertenors, a tenor and a bass, varied as to position on different days, except on Friday, or when his Grace was present for the service, at which times the whole Chapel assisted.[8]

The basses "set" the choir each day, serving turn for turn, while in like manner those of the Chapel group who were skilled at the "organs," turn and turn about, took charge of those instruments for a week at a time.[9]

Besides these full daily services, there were all the special festivals and Holy-days more particularly observed. Among these, some sixteen feasts stand out, marked by celebrations on the eve as well as on the day, — Michaelmas, Allhallows, Christmas, New Years, Twelfth Night, Candlemas, Shrove Tuesday, Lady Day, "Tenable Wednesday" (a corruption of "Tenebrae"), Easter, Ascension Eve, Whitsunday, Corpus Christi, Trinity Sunday, Midsummer Eve, and Lammas.[10] Twenty-four people regularly took part in the service of these festivals; this included the full choir under four Rectors choir.[11]

Each of these feasts saw every participant in freshly laundered surplice and alb, while their advent likewise marked the terms of the altar-cloths, which, as well, were put through their ablutions preparatory to the celebrations. This constituted the ". . . Holl WESHING of all mannar of LYNNON belonging my Lordes Chapell for an Holl Yere . . ." and such tidiness cost his Grace full 17s:4d. per annum![12]

While certain of these Holy-days, the so-called "principall feasts," were accompanied with merriment and laden board (jovial contingents if scarcely religious), an integral part of the sacred observance of Lent was its prescribed menu, expressly provided in all the great households, Catholic and Protestant alike. Northumberland especially purchased against that grey

[7] *Northumberland Household Book*, 367, 370.
[8] *Ibid.*, 368-369.
[9] *Ibid.*, 369, 373-374.
[10] *Ibid.*, 242-244.
[11] *Ibid.*, 198.
[12] *Northumberland Household Book*, 242 *et seq.*

season, stock-fish, white and red herring, sprats, salt salmon, sturgeon, eels, figs and great raisins, all in sufficient quantities to last from Shrove Tide until Easter.[13] In 1576, Lord North's Lenten "stuff" laid in at Sturbridge Fair, consisted of "3 Barells of Whight herring iijli.iijs.vjd. ij Cades of Redd herring xxs. ij Cades of Spratts iijs.viijd. xx Salt eels xxvjs.viijd. a barrell of Salt Salmon iiijli.xiijs.iiijd."[14] Edward, Earl of Derby, likewise paid £77:8s:3d., in 1561, for a similar provision also purveyed "at Sturbrug ffeare and in the countrey."[15]

Food of this sort was not the only provision used in the households during Lent, nor were the same diet regulations set for all the family. Northumberland's children always had their breakfasts, while the rest of the family partook of but a rigorous fare in the morning on Sunday, Tuesday, Thursday, and Saturday. "BRAIKFASTE for my Lorde and my Lady" consisted of "FURST a Loif of Brede in Trenchors ij Manchetts a Quart of Bere a Quart of Wyne ij Pecys of Saltfisch vj Baconn'd Herryng iiij White Herryng or a Dysche of Sproits." This menu was graduated down to the two loaves of bread, gallon of beer and two pieces of salt-fish allotted to the yeomen officers in the establishment, in groups of four.[16]

All of the religious services were celebrated in household chapels handsomely provided with the necessary utensils and vestments. Northumberland's "Vestry Stuf" was under the special charge of a vestry yeoman, and when the family moved from Wressil to Leckinfield, or back again, it likewise, was always transported. For this purpose one cart was set aside; into it were loaded the four antiphonaries,[17] the four grails,[18] hangings for three altars, surplices, altar cloths, and the set of vestments and single vestments used every day.[19] "And all

[13] *Ibid.*, 7-11.

[14] Extracts from his accounts, *Archaeologia*, XIX, 293 *et seq.*

[15] *Stanley Papers*, Part 2, 2.

[16] *Northumberland Household Book*, 73-74.

[17] "A service book compiled by Pope Gregory the Great. It comprised all the invitatories, responsories, collects, and whatever else was said or sung in the choir but the lessons." (*Encyl. Dict.*)

[18] Grail — graduale. "A service book containing the hymns or prayers to be sung by the choir, so called from certain short phrases after the Epistle sung *in gradibus* (upon the steps of the altar)." (*Ibid.*)

[19] Single vestments, likely *tunicles*, Bishop Percy's note in *Northumberland Household Book*, 447.

outher my Lordes Chapell Stuff to be sent afore by my Lords Chariot before his Lordshipe remeve."[20] This remainder was heavy appurtenance probably, for the said "Chariot" required seven great trotting horses to draw it.[21]

In 1543 the chapel of Thomas, Earl of Rutland, contained furnishings valued at £59:19s. Among these were seven altar fronts including one of red damask and green "Bruges satin" embroidered, one ornamented with the family crest, two of crewel needle-work, and two of red and green Bruges satin embroidered with images of John and Mary. There were eight sets of vestments, some with copes, three of which were for priest, deacon, and sub-deacon; one set was made entirely of crimson taffeta embroidered with angels, the cope to the same being lined with green sarcenet; while another, boldly emblazoned with falcon's wings and true-loves, suggests services commemorative of joyous life, as those of tawny damask or white fustian seem penitentially plain. In addition, there were seven separate copes, service books, latten candle-sticks, a cross with copper and gilt staff, chalices, gilt altar basins, gilt cruets, censers, holy-water "stok and sprynkle," and the usual pyx and sacring bell, together with a "ship" for frankincense.[22] The chapel stuff of the Duke of Suffolk, at Suffolk Place in Southwark, included in 1535, the customary utensils, together with six gilt images of Mary Magdalene and Saints Edward, Margaret, Thomas, Katherine and George, each of which weighed from sixty to seventy-nine ounces. The entire chapel plate was estimated at a value of £193:12s.[23]

Such, in meagre outline, were some of the characteristic means employed by great noblemen before the Reformation in fulfilling their religious life. How loudly, in striking contrast, does Brathwait's description of the sober functions of an earl's Chaplain, or the simple emphasis laid upon preaching in a household like that of Edward and Henry, Earls of Derby, proclaim the prosaic changes in method enacted by the triumphing religious innovators!

"The Preacher or Chaplaine . . . is to be a man very

[20] *Northumberland Household Book*, 387.
[21] *Ibid.*, 127.
[22] *MSS. of Duke of Rutland*, 4, 347, 349.
[23] *Grimsthorpe House Papers*, 452-453, and Introduction, xxxv.

well learned and of earnest conversation. At what time he doth know the Earle or Ladies pleasure, whether they will have him to reade a Lecture, or to say Divine Service, having prepared himselfe accordingly, at the hour appointed therunto, he is to come into the Chappell, or chamber appointed for that purpose, and ther to attend untill such time as the Earle and Countesse be placed and seated, and then to procede with his Lecture or Service, as hath beene appointed him. He is to dine with the cheefe officers, that he may be ready at the Lord his table before meales, to call vpon God for his blessings, and at after meales to give thanckes for the same."[24] This was after the very heart of Henry, Earl of Derby, who, in 1587 had but one Chaplain, Sir Gilbert Towneley, officially enrolled in his household.[25] A veritable troupe of divines, however, some sixteen or eighteen, representing the best minds among the diocesan clergy,[26] "preached" before his Grace from time to time, either at the Sunday or weekly service.[27] Not infrequently, too, the pulpit at Lathom or Knowsley was filled by the Lord Bishop of Chester himself, who alone, or accompanied by his wife, was often entertained at the house, usually sojourning there for several days.[28] What an interval — from the rich magnificence of the Roman Church, to the frigid plane of the "Institutes." Here were preeminently those lettered men of God, the preaching models of Calvin and Knox, well equipped, we fancy, as their stern visaged leaders, to hold forth mightily, while their terrified listeners did "grew and tremble," like those sobbing audiences in old St. Andrews!

Music still constituted, of course, a goodly part of the Chapel service, and their lordships evidenced the same keen interest in its effective welfare as under the old regime — nay, could at times turn their own skill to that noble art. The very religiously-minded James, 7th Earl of Derby, was a lover of music, at least of the religious sort, and did some composing of his own, having written an anthem, words and music, which was often

[24] Brathwait, *op. cit.*, 12.

[25] *Stanley Papers*, Part 2, 23.

[26] *Ibid.*, Introduction, vi-vii, and the excellent biographical notes at the end of the volume by the editor, Rev. F. R. Raines.

[27] *Ibid.*, see pages of the *Journal Book*, 28-90.

[28] *Ibid.*, 31, 34-35, 44, 46, 48, 59, 64, 72, 89.

sung at Knowsley "to the organ, lute, Irish harp and violls."[29] The anthem begins as follows — "Come ye hearts that be Holy, celebrate your God, the unbegotten Father, the Fountain of all good, who made all things by his Word, and sustains them by the influence of his mighty Love . . ." a vigorous invocation, urgent for stalwart harmony! The earl relished his genial labour, and had not the terrible days of the Civil War rudely interrupted, he was minded to have wrought over the whole blessed Creed! Whatever bent his Grace had for music he probably inherited from his father, the Earl William, to whose credit is set down the composition of at least one original piece, in lighter humour than his son's — the same being a pavin for the orpharion, published in 1624. However, Earl William had a fondness for Church music too; he established a little endowment of £100, the interest to be paid to the use of the organist of Chester Cathedral.

The ordinary preparation for such a Chapel service as the above, was equally severe, the matter-of-fact arrangements being part of the functions of the Gentleman Usher. "Breakefast being ended, the one of them is to see the chappel wher the Lecture is to be reade, or service sayde, that it be furnished with foote carpetts, chaires, stooles, and cushions for the Earle and his Ladie, and the Strangers, according to their degrees."[30] Any unseemly interruption was avoided by locking all the gates just previous to prayers. The Porter saw to this charge, afterward coming in to service with all his keys.[31]

Despite the fact, however, that notable alterations in the character of household services were introduced by the Reformation, there was always one great practical purpose for which such exercises were fostered, whatever their nature, ornate or plain. Not a noble master, but felt that his control over the servants was fortified, and a difficult management made more certain, through the attendance of the entire house, compulsory if necessary, at religious services, and regulation to that effect was generally instituted in every establishment.

[29] *Stanley Papers*, Part 3, 1, xlvi-xlvii, and the notes.

[30] Brathwait, *op. cit.*, 11.

[31] "Lord Fairfax's Orders for the servants of his household (after the Civil Wars)." Quoted by Bishop Percy in notes to the *Northumberland Household Book*, 421, *et seq.*

In 1469, George, Duke of Clarence commenced his Domestic Ordinances with such a regimen, — "FYRST, sith that alle wisdom, grace, and goodnesse, procedeth of veray love, drede, and feythfulle service of God, withoute whose helpe and socoure no good governaunce ne politique rule may be hadde; it is ordeyned therefore, that every holy day the clerke of the seid Duke's closett shalle ringe a bell, at places convenient, to matyns, masse, and evensonge; and one of the chapleyns shall be redy to saye matyns and masse to the housholde, and also evensonge; and that every gentylman, yeoman and groome, not having resonable impediment, be at the seid dyvine service; and it is ordeyned, that the clerk of the closette, the seid Duke being present at divine service, be in his surplyce, lighting wax at the levacion every day thereof; fayling, to lese his dayes wages." [32] Nor was this regulation simply for home use; just as insistently he further commanded "ITEM, that if the seid Duke lye at London, or any other place, at the parliamente or counsell, or whensoever he shall occupie his barge, that every of his servauntes, excepte suche as be appoynted to abide, attende, and waite diligentlye uppon the seide Duke; and alsoe in alle other places; that they attende uppon the seid Duke to masse and evensonge; uppon peyne of a dayes wages." [33]

Early in the following century, the 5th Earl of Northumberland, wishing to secure at once the proper performance of his servitors' duties, and the benefits of their regular participation in spiritual exercises, decreed a clever if bleak ruling to these ends — "ITEM it is Ordenyde by my Lorde and his Counsell to have a MOROWE MASSE-PREIST dailly now in his Lordeshipes Hous to say Masse Dailly at vj of the Clok in the mornynge thoroweowte the Yere that the Officers of his Lordeshipes Housholde may ryse at a dew Hower and to here Masse dailly To th' entent that they may com to recyve their Keys of their Offices at the Hower apoynted That they shall not nede to come to no Service aferwarde for tendynge of their Offices By reason whirof my Lorde nor Straungers shall not be unservyde at no howre nor tyme when Ushers shall comaunde." [34]

[32] *Royal Household Ordinances*, 89.
[33] *Ibid.*, 93.
[34] *Northumberland Household Book*, 170-171.

Henry, Earl of Derby ordered in 1587 — "IMPRIMIS that all my Lo. his household Servants gen'allie doe repaire vnto and heare devyne S'vice."[35] — while Lord Burghley ruled at Theobalds, that were he at home or not, there were to be two prayer services each day, the first at eleven o'clock, A.M., and the other at six P.M., before supper.[36] As usual, though, it rests with voluble old Brathwait to voice best the contemporary practice in this regard. He fashions a somewhat verbose speech, which with true Elizabethan obsequious self-abasement, he wishes might serve as a pattern address, to be delivered by an earl before his newly instituted household. It is quite like a monitory sermon, and no small part of it is devoted to the question in hand. The approach is made, however, through a description of the rather inquisitorial work to be assumed by the chief officers which shall enforce a regulation taken for granted. "And, forasmuch, as neither private familye, citye, or common wealth can be rightly ordered and governed, except in the first place, the Lord of Lordes be feared, loved, honoured and served, he (i.e. the earl) doth earnestly require and straightly charge his cheefe Officers to be vigilant and carefull to marke and see if any inferiour Officers, gentlemen pages, yeomen, or groomes be carles or slacke in comming to the place appointed for the ordinary Lecture, or to morning and evening prayer; and if any fayle to come to examine them and try whether ther were iust cause for their absence or not, also they are to learne and search out whether any in his house doe not professe God, his true religion, or that be Idolaters, blasphemers of his holy name, profaners of the Sabaoth, not giving reverence to Prince and Parente, given unto fighting or quarrelling whereby murder may ensew; that be adulterers, fornicators, or hawnters of bad houses, using to lye out of his house in the nighte; that he fellons, or purloyners; or that be bearers of false witnes, tellers of lying tales, breeders of contention; or that be drunkards, hawnters of tavernes or alehouses." Thus with Scriptural exactitude he runs through the gamut of human erring, and then continues with an interesting account of the machinery used to discipline all delinquents — "Theese and such like vices and offences, yow,

[35] *Stanley Papers*, Part 2, 20.

[36] Peck's *Desiderata Curiosa* (Burghley's Life), 22-23, *et seq.*

my cheefe officers, shall punish in the manner and forme following: For the first offence (whether it be committed by gentleman, yeoman, or groome), yow shall call the partye offending before yow in the cownting house, and ther very sharply admonish him and threaten him: For the seconde offence, if he be a gentleman, yow shall imprison him in the cownting house, vnder the custodye of an yeoman vsher: if he be an yeoman or groome, then to imprison him in the porters lodge: the partye offending to remaine imprisoned so long time as in your discretions yow thincke the penaltye of the faulte deserveth, except I or my wife commande the contrarye: For the third offence, (whether it be committed by gentleman, yeoman, or groome) the partye offending is to be called before yow into the cownting house, the greatest parte of my servants being ther assembled; and yow shall openly make recitall of all his offences, and take from him his livery, or at the least his badge, and pay him such wages as to him is due, dischardging him from comming within my house, that he may be an example to others: this shall yow doe, except my wife or I command the contrary. Secondly, yee my cheefe officers are to be carefull, and as much as lieth in you to foresee, that I and my Ladye be orderly and dutifully served and reverenced. Thirdly, that my familye may live together in love and kindenes."[37] The officers were assisted in this police vigilance by the Chaplain, whose authority, however, was extended even over them. He acted rather in the capacity of a reforming advance agent, or spiritual plain-clothes man, and at no time could his moral espionage have been a pleasant occupation — "If he see any of the householde abuse themselves with offences and sinnes towards the Majestie of God, he is privately to advise and earnestly to admonish the party so offending to reforme himselfe; but (if he finde the party so admonished to persist and continew still in his wickedness,) then he is to make it knowne to the cheefe officers, that he may receive correction and punishment, according to the orders for the same prescribed. And if he happen to finde any of the cheefe officers slacke or careles in punishing of offenders, or that themselves be given to swearing or other vices, after private admonition to them given, if they amend not their faultes, he is to make the

[37] Brathwait, *op. cit.*, 4-5.

same knowne to the Earle: But he is to have regarde that for every light offence he runne not to his Lorde, to fill his eares with tales against his servants; For I have knowne some so busy themselves, in every matter, as their lives have bene of many disliked, and their doctrine very little regarded."[38]

Our pious old historian thus naïvely embellishes and rather makes his own, a venerable procedure, time-honoured and seasoned, for drawing negligent members of a great establishment back into the straight and narrow way. Over one hundred years before him, in 1469, the Duke of Clarence ". . . appoynted and ordeigned, that the Steward, Thesaurer, and Countroller, or twoe of them, shalle calle afore them, in the countinghouse, all the seid Duke's servauntes, commaunding and straytly charginge them, in the seid Duke's behalfe, to be of wurshipfull, honeste, and vertuouse conversation, absteyninge themselves from vicious rule and suspected places; and also restrayning them from seditious language, varyaunces, discentions, debates, and frayes, as well within the seide Duke's courte as withoute, wherethorough any disclaundre or misgovernaunce might growe; and if any contrary to this commaundemente offend, that he leese a monethes wages at the fyrst offence; at the second offence to be imprysoned by the space of a moneth; at the third offence, that he be pute oute of the seid Duke's courte."[39] It was ancient custom, like so much of household management, a very part of the organization, so that when Brathwait protests that he had ". . . neither President nor Recordes to helpe my memorye, . . ."[40] when he wrote his treatise, he doubtless spoke the truth.

With so much thought, time and money lavished on the panoplied side of religion, apart from its practical bent so shrewdly capitalized by these keen old noblemen, in many a household the service was truly spiritual, sincerely cherished for its own sake, and some of the gentle but hard lessons it expounded, fell on heedful ears. Many a costly public charity, founded by noblemen like Burghley,[41] proclaimed a proud stinting of self before

[38] Brathwait, *op. cit.*, 12-13.

[39] *Royal Household Ordinances*, 89.

[40] Brathwait, *op. cit.*, 9.

[41] "He also built an hospital at Stamford, near his house of Burghley, all of free-stone, and gave an hundred pounds lands to it, for maintenance of

the urgent needs of a less fortunate brother; while, within the compass of home life too, kindly practices were often exercised, which still sing glees for hearts once attuned to good; amid so much that was sordid or cruel, anon there shines a warm humanity, — whose golden threads gleam in the somber warp.

"In former times Earles vsed to have their Chaplaine, who carried a bagg of small monye to give to the poore, as they traveiled; but that is now out of use. If any of their servants lay forth any, it is to be entered in this title (i.e. "Almes"). But I wish both Earle and Lady to have, either of them, a privy purse, and themselves to give to the poore, that the right hande may not knowe what the left hande giveth."[42] Thus, for once scarcely regretful, Richard Brathwait describes the passing of a traditional practice and sternly hopes for the inauguration of that utopian generosity never yet arrived at its hey-day. However all this may have been, the old historian here dwells upon that charity, at once the most common and picturesque in vogue with the whole Tudor nobility — almsgiving.

By this is meant no church or votive offering, no donations towards any large philanthropic purpose, but rather the small money response to those pitiful cries for mercy incessantly wailed at these great folk by the out-cast and indigent, ever at hand. It was scarcely possible for a nobleman or one of his servants to leave the gates without being importuned, or of his own accord bestowing a pittance upon some hapless wight, worthy or unworthy, while a journey for pleasure or a business trip, invariably saw the voyageur, lord or servitor, provided with change, against the certain plea for help.

Almsgiving, in fact, was regarded as a regular part of the household expenses; and the usual careful provision was made for it, a detailed book-keeping always duly recording the sums, however small, thus laid out. The Steward of Lord John Howard made a most characteristic entry in his accounts on May 24th, 1482 — "My Lady paid George Daniel (one of the house-

thirteen poor men forever, establishing many good ordinances and statutes for the government thereof, in hope to continue it to the benefit of the poor. He gave also thirty pounds a year forever to S. John's college in Cambridge, where he was a scholar. He gave also some plate to remain to the house." — Life in Peck's *Desiderata Curiosa*, 26.

[42] Brathwait, *op. cit.*, 48.

hold servants) for al percels that he leid owte at Harwich, bote and al, and for costes to London and hors here and home agen, and the men that were with the horsses, and almis and every thing, the Summa of xxiij.s:xj.d."[43]

Indeed, Lord John seems never to have neglected what he thought was his duty in this respect; scarce a day passed without its little benevolence. The amounts were never large, varying approximately from j.d. to xij.d., but they were constant,[44] dispensed while Howard or some servant was travelling, hunting parties even, not excepted.[45]

Almsgiving was not necessarily a travelling practice only; many a poor suppliant made his plaint right at the castle gates, and any response under such circumstances, was usually, along with other like duties, in charge of the official Almoner. William Cecil, Lord Burghley, believed in this sort of charity and was, in fact, generous by comparison with other noblemen, in his alms; Mr. Richard Neale his Chaplain at Theobalds giving regularly each week xx.s. to the poor.[46] The old statesman's hard-headed sense however, likewise approved a more vigorous policy, at once thrifty and beneficent; he spent no less than ten pounds a week hiring such folk to work in his gardens as weeders and at other labour.[47]

Before Burghley's day, George, Duke of Clarence decreed that his Treasurer should pay over to the Almoner, at the counting house xij.d. per diem, the same to be distributed by the latter, at his discretion, to the needy, ". . . they to praye for the noble estate and prosperitie of the seid Duke."[48] This sum amounted to only £18: 5.s. a year, and seems rather a pitiful commentary upon the duke's sordidness; such an alms, though, was munificent, compared with the £4: 15s: 7½d., which was doled out during 1561, by the clerks and Steward of Henry,

[43] *Howard Household Books* (Collier), 98.

[44] *Ibid.*, 107, 115, 121, 123, 126, 127, 128, 130, 131, 132, 137, 139, 140, 142, 149, 151, 156, 157, 159, 162, 163, 166, 167, 168, 171, 172, 174, 178, 188, 191; 192, 196, 203, 204, 207, 208, 210, 364, 367, 368, 370, 398, 399, 401, 410, 456, 463, 472, etc., etc.

[45] The Earls of Rutland at Belvoir gave in just this same way. *Vide MSS. of the Duke of Rutland*, 4, 382, 390, 449, etc.

[46] Peck, *Desiderata Curiosa*, 23.

[47] *Ibid.*, 23.

[48] *Royal Household Ordinances*, 89.

Earl of Derby, a shameful bagatelle set against that year's lavish outlay for ornaments, apparel and jewels — £1030: 19s: 10½d![49] Surely with a left hand so well schooled, the member on the right could well afford to sit in assured ignorance! Penurious as these alms appear, however, some recompense was made in other ways, for this was never the only manner in which their Graces bethought them of the least of those about them.

All manner of men took these small pecuniary aids from noblemen. Between 1560-1562, the Bertie household (later Lord Willoughby's) paid alms to the following unfortunates among others: — "a poore mayn which had bene in Bedlam" — "a poore man at the gate, which had his howse burnt" — "the prisoners at Huntington as herr Grace passed thorowe" — "to a poorae woman in the waye" — "the prisoners of Newgate" — "the poore at Haunces howse" — "Two poore women at blackfreyers" — and "to the presoners at the marshalsee."[50] Early in the 16th century Sir Henry Willoughby's generosity was extended to about the same class — now it was "a pore man that was robyd" . . . "a man that lyse bed-ryden as ye goo to Westmynster" . . . "to a woman of Lycestershyre that whent wyth a testymonyall for burnyng of hyr howse" . . . or, more characteristic of his age "to a clarcke goyng for orders cauled John Gleyden" . . . hapless "skolers,"[51] who again and again drew upon the sympathies of the well disposed knight, . . . or "ij pore men that com frome Rowme."[52] Lord William Howard's Castle, Nawarth, was besought by the maimed, blind and leprous, none of whom were sent empty away;[53] so the dismal line could be tallied; verily "ye have the poor always with you, and whensoever ye will ye can do them good"!

Over and above this continuous small alms giving, many of the nobility assumed heavier responsibilities of a charitable na-

[49] *Stanley Papers*, Pt. 2, 6-7.

[50] *Grimsthorpe House Papers* (1907), 465, 463-467.

[51] *MSS. of Lord Middleton*, 336, 365, 366, 391, etc.

[52] The Earls of Rutland gave to poor scholars also, and once to a company of scholars. *MSS. of Duke of Rutland*, 4, 304, 384.

[53] *Household Books, Lord William Howard, Naworth Castle*, 54-55, 87-89, *e.g.*

ture. It is told of Lord Burghley, that he used to buy up grain in great quantities, in time of plenty, and then, when the price was up, to supply the markets of the neighborhood from his store at a reasonable figure, thus breaking the high cost for the poor. He regularly, each year gave away twenty suits of clothing to as many poor men, and in later life, as much as forty or fifty pounds a term for the release of prisoners, while in each of the last three years of his existence, he expended forty-five shillings a week, for poor prisoners and poor parishes, "so as his certain almes, beside extraordinaries, was cast up to be five hundred pounds yearly, one year with another."[54]

The House of Rutland likewise frequently gave freely to similar worthy causes. In January of 1592-1593, the Countess Dowager, Elizabeth, paid thirty-six shillings to the town of Orston, to be bestowed on the poor there, and "towardes the mayntaynynge of the hye wayes"[55] — the latter use, like so many mediaeval practices, a semi-religious obligation, apparently. The year before she paid for building a hospital at Bottesford, probably a memorial to her deceased husband. It was not a large structure, the entire mason work costing but £28, the carpenter work but £9, while ten oaks were felled at Croxton park to furnish the necessary wood.[56] By the end of the next year, the building was completed, and several women and men, dressers of flax, spinners, carders and weavers, were busily engaged upon making blankets, sheets and coverlets for use there, the entire cost being charged to her Grace.[57] In 1604, Earl Roger gave a generous alms to the poor of Grantham and Neward towns, amounting to no less than £60, from September 28th to December 15th,[58] and in 1611, he gave benevolences twice — 20.s. and again, £4, to "the poore dystressed people of Leicester, . . ."[59] His successor, the Earl Francis, paid, in 1620, a like benevolence to the poor of St. Martin's parish, that being his year's gift; quite a considerable sum for one annual dole.[60]

[54] Peck, *op. cit.*, 22-23, *et seq.*
[55] *MSS. of the Duke of Rutland*, 4, 406.
[56] *Ibid.*, 405.
[57] *Ibid.*, 406-407.
[58] *Ibid.*, 454.
[59] *Ibid.*, 476-477.
[60] *Ibid.*, 523.

Somewhat akin to the small alms charities — quite as current, and as much a part of the established order of things, was the collation of broken victual, mussed remnants from the tables and kitchens, daily apportioned to the poor without the gates of great households.

In the Hall or Great Chamber of a nobleman's castle, where the food was dispensed, there might have been found, presumably in an inconspicuous place, some fashion of locked boxes[61] or caskes known as the "almes tubs." These receptacles were under the charge of the Usher and Groom of the Hall, one of whose duties was to see to it, that after all in the household had dined, the remainder[62] of meat and drink was safely stowed therein for distribution among the poor. This was not always a simple responsibility, for two sorts of filching rogues lay ever in wait to thwart so charitable a purpose — other servants and the dogs! Of the former, those most prone to this knavish thieving were yeomen, grooms and gentlemen's men, and, so nimble was their base skill, that in some households they were under compulsory order to serve without their cloaks, and in their livery coats — "for so were they the easier to be seene if they carried forth any meate that they ought not to doe."[63] The canines were fully as clever, and despite the fact that all the breeds, prized by their noble owners — hounds, grey-hounds and spaniels, were supposed to be kept in the kennels and other out-places suitable for them, and were allowed their just portion like all under the roof — in they would sneak to snatch a tempting morsel from an unguarded tub, and annoy the gentlemen dining with their fighting.[64] The groom was their arch enemy,

[61] *Howard Household Books* (Collier), 228, "Item, for a lok for the almes tobbe."

[62] *Royal Household Ordinances*, 89-90. "ITEM, It is appoynted . . . that the seid Almonere, at every dynner and souper, wayte uppon the seid Duke's table, and there take uppe every dishe when the seid Duke hathe sette it from hym, and thereof to make sufficieyently the almes-dishe . . ." Into these tubs went also, in the olden day, soaked trencher bread; "The auncient use was not to allow any of the Earles Servants, sitting at the Officers table, or at other bordes in the Hall, to have any trenchers but such as they made for themselves of coarse cheate, which was good order in respect of the helpe it was towards the releefe of the poore; but now it is not liked of in many houses." Brathwait, pp. 22-23.

[63] *Ibid.*, 24.

[64] *Stanley Papers*, Pt. 2, 22.

armed with a whip and a bell "to feare them away withall."[65] When a howling diversion of this sort was always on the boards, how curious seem the reiterated injunctions in contemporary etiquette books, against talk during dinner!

While the alms-tubs doubtless furnished the greater part of the food daily given away to the poor, the supply was augmented sometimes, from other sources. Thus, in the Derby household the bread chippings from the pantries — the fees of servitors there, were bought up by the earl for such disposal, and the same provision was made regarding the beer fees.[66]

When the time came for distributing this food almes, charge of its allotment among the needy was given, perhaps to the Almoner or Porter,[67] or to the Grooms of the Hall, with the assistance of their fellows of the wood-yard, all, under the eye of the Usher of the Hall.[68] Nor could these responsible servitors themselves always be trusted to resist successfully the petty temptations connected with this work, so that in later times the Chaplain was bound ". . . often to goe to the gate to see the Vsher and groome of the Hall serve the poore, that those which be poore in deede may be well served, and idle rogues and light huswives from thence be banished."[69] Indeed, Brathwait would even have some of the chief officers in superintendence, declaring that such were ". . . not the worst, but rather the best service that he could doe his Lord; . . ."[70]

This was no overnice foresight. These food doles were generous, when so careful a manager as Burghley daily relieved from twenty to thirty indigent souls at the gates of Theobalds,[71] and it was inevitable that so rich a bait should draw ne'er-do-well vagabonds into the bread line. In fact, a nobleman's castle, because of this and other attractive features, always proved a tempting field for the sly operations of idlers and wantons, whose restless presence about the neighborhood was a constant source of anxiety to the noble owner and his officials alike. Folk con-

[65] Brathwait, 25.

[66] *Stanley Papers*, Pt. 2, 21.

[67] Breviate, *Archaeologia* XIII, 333. Also *Royal Household Ordinances*, 90.

[68] Brathwait, 24.

[69] *Ibid.*, 13.

[70] *Ibid.*, 24.

[71] Peck, *Desiderata Curiosa*, 23, *et seq.*

stantly passed in and out of the gates, so that stringent precautions had always to be observed for safe-guarding the premises against the admittance of such undesirable characters.

In this connection the porter's office was a post of strategic importance. Selected for their height and strength,[72] like policemen of to-day, the prime function of these men was to ". . . waite and attend dilygentlye atte the gate; and atte the leste one of them to be there, and see tha noe vitaills, silver plate, pewter vessells ne none other stuffe of the seide housholde, be enbeselled oute; . . ."[73] they were to allow ". . . no rogues and idle queanes to haunte about the gate,"[74] while each porter was to "have such Regarde to his Office that he shall not suffre anie to come wth in the house but that are and shall be allowed for causes necessarie onles they be servyng men or others very substantiall by discrecon."[75] When country folk craved admittance on business with some one in the service, or on an errand, the porters held them at the gate, or, if favorably impressed by their appearance, let them into the lodge, whilst they summoned him with whom the strangers would deal.[76]

"Trusties" of the house, gate "sparring" was their official work. In the early day (1489) the Duke of Clarence ordered his gates shut in summer, before ten o'clock P.M., and opened at five in the morning, ". . . onlesse then they have other commandement."[77] Later, it was the custom to lock the gates before dinner and supper, and likewise before prayers, to avoid noisy interruption and busy-bodies, while they were closed for the night "when it groweth darcke."[78]

However carefully these warders were selected, their duties were apt to grow at times, a lonesome, tedious service, especially at night, and like that bawling rascal at Dunsinane, who caroused hilariously till the second cock on that memorable night, they were prone to mock their charges with their drunken snoring, at the expense of all safety. It was because of this sottish

[72] Brathwait, 45. "They should be men tall and stronge."
[73] *Royal Household Ordinances*, 92.
[74] Brathwait, 46.
[75] *Stanley Papers*, Pt. 2, 9.
[76] Breviate, *Archaeologia* XIII, 337.
[77] *Royal Household Ordinances*, 92.
[78] Breviate, *Archaeologia* XIII, 337.

inclination of porters in general, that head officers in a household, if they did their full duty, frequently inspected their lodges, and were ordered, like those in the household of Henry, Earl of Derby, in 1586 to make "a weeklie vewe & take Ord' that noe vagrant p'sons or maisterles men be fostered and kept aboute the house and that noe household S'vante of anye degree bee p'mitted to carie forth of the house or gates any mane' of victualls bread or drincke."[79]

Such were some of the details involved partly in the maintenance of that curious institution the alms-tub; at best, one fancies, with its nauseating possibilities, but a sorry refection for the poor. Nay, but it flourished and lustily. The historian Stow, eulogizing the late Edward, Earl of Derby, particularly commends him for his generous charity ". . . . his feeding, especially of aged persons, twice a day, sixty and odd; besides all comers thrice a week, appointed for his dealing-dayes. . ."[80] and Edward, and the noblemen above mentioned were not unique in this charity; after all, your starved beggar little suffers from a delicate taste; he revelled in his reeking paradise, and went his hard way less mindful of mis-hap and woe, perhaps, with muttered grace for the weal of the rich purveyor of his greasy dinner.

The daily food-alms was a charity relief which the poor and unfortunate in the neighborhood of a great castle, could count upon receiving regularly. In addition, occasion rendered them from time to time, special objects of a lord's bounty. All merry festivals saw them remembered, and particularly the joyous spirit of Christmas brought them good cheer. For twenty years it was Lord Burghley's practice to lay out, at that season, from thirty-five to forty pounds annually, in beef, bread and money, for the poor of Westminster, St. Martin's, St. Clement's and Theobalds.[81] The observance too, of Passion week rites dictated customs which threw an odd relief into their eager hands. When the 5th Earl of Northumberland kept Maundy Thursday, he gave to each of as many poor men as he was years old, and to one other for the year coming, a wooden platter with a cast of bread, an ashen cup with wine, and a leathern purse,

[79] *Stanley Papers*, Pt. 2, 22.
[80] Stow's *Chronicle*, Fol. Ed., 672.
[81] Peck, *Desiderata Curiosa*, 22, *et seq.*

with a penny for each year of his age, and an extra one again, for the coming year — a fearful, half-superstitious grasping of old Time by the fore-lock! In the same proportion, grotes, half-penny pieces and pennies were counted out by one of the household chaplains on behalf of her ladyship, the heir of the house, and the younger children, respectively. His lordship's measured charity further included clothing — to each of the lucky poor men, a linen shirt, containing two and one-half yards of cloth, and a hooded gown of russet, made out of three and one-half yards of goods, at xij.d. the yard.

Earl Percy conducted his part of this ceremonial, as well as the other services of the day, arrayed in a sumptuous gown of violet broad cloth handsomely furred with seventy-five black lamb skins, ". . . And after his Lordship hath don his service at this said Maundy doith gyf to the pourest man that he fyndyth as he thynkyth emongs them all the said Gowne."[82] What a pathetic triumph — like a mockery, to be thus heralded the completest pauper, in an extravagant piece of useless finery — yet, what fitter service for the ill-starred purple of the Praetorium!

On Good Friday, further, it was customary to give bread doles to the poor, — thus, in April, 1522, Sir Henry Willoughby's baker was paid v.s., the cost of some bread so used,[83] while

[82] *Northumberland Household Book*, 354-356. The following is from the *Gentleman's Magasine* for April, 1731, vol. 1, 171. (Quoted in vol. 1, Brand's *Popular Antiquities*): "Thursday, April fifteenth, being Maundy Thursday, there was distributid at the Banquetting House, Whitehall, to forty eight poor men, and forty eight poor women (the King's age forty eight) boiled beef, and shoulders of mutton, and small bowles of ale, which is called dinner; after that, large wooden platters of fish and loaves, viz. undressed, one large old ling, and one large dried cod; twelve red herrings, and four quarter loaves. Each pesron had one platter of this provision; after which was distributed to them shoes, stockings, linen and woolen cloth, and leathern bags, with one penny, two penny, three penny and four penny pieces of silver; and shillings; to each, about four pounds in value. His Grace, the Lord Arch-Bishop of York, Lord High Almoner, performed the annual ceremony of washing the feet of certain number of the poor, in the Royal Chapel, Whitehall, which was formerly done by the Kings themselves, in imitation of our Saviour's pattern of humility, etc. James the Second was the last King who performed this in person." The King's Almoner still distributes Maundy-money on this day. — *Encyclop. Dict.*, Art. "Maundy."

[83] *MSS. of Lord Middleton*, 341.

Stow chronicles, to the everlasting honour of Edward, Earl of Derby the ample provision made by that nobleman "everie Goode Fridaie these thirty-five years (for) one with another, 2700, with meat, drink, money, and money worth."[84] Perhaps, finally, it was mighty old Death himself, who wrought a chance good turn for these famished waifs of misfortune and failure; anguished hearts sought solace in kindly acts, and if it were but to provide a solemn feast, thereto, in haughty contrition, inviting these luckless dwellers of the hedges — such, for them, were a rare, but at least a full repast!

On October 29th, 1560, the "poor," in gowns, marched two and two, in the great funeral procession of Francis Talbot, Earl of Shrewsbury, and after the burial they shared too in the sad but abundant funeral baked meats: "At the castle was prepared a great dinner, that is to say, there was served from the dressers (besides my Lord's service for his own board, which were three messes of meat) cccxxx mess, to all manner of people, who seemed honest; having, to every mess, eight dishes; that is to say, two boyled mess, four roast, and two baked meats: whereof one was venison, for there was killed for the same feast, fifty does and twenty nine red deere. And after dinner, the reversion of all the said meate was given to the poore, with dole of two pence a piece; with bread and drink great plenty. And after the same dinner every man was honourably contented for his pains."[85] In 1543, at the funeral of Thomas, Earl of Rutland, x.s.x.d., was distributed as a special alms to poor people, while one Thomas Tanfyld was paid v.s. for "rydyng abrood to dyvers townes to make billes of poor menes names to take almes and helpyng to distribute the same."[86]

Yet more munificent was the poor relief given by this same household in 1612, in pious memory of the late Earl, Roger, who died, July 22nd, of that year. On the day of the funeral, two beeves, boiled in the brew house, twenty-two hogsheads of beer, ten quarters and two strike (88 bushels) of wheat, and £30 in money were distributed by two clergymen with assistants, while on the following Sunday, bread was carried to such "poore people as through age or other infirmitie could not come for re-

[84] Stow, *Chronicle*, Fol. Ed., 672.
[85] Peck, *Desiderata Curiosa*, 255 *et seq.*
[86] *MSS. of the Duke of Rutland*, 4, 342-343.

leife. . .''[87] In such manner, alike the regular and fitful charity of the nobility afforded an uncertain existence to these wan phantoms, who, true children of fortune, like the fowls of the air, gleaned a hazardous maintenance where chance best afforded.

Lastly, nobles under the old Church, and to some extent, after the Reformation, responded many times in the course of a year to a remarkable number of petty demands upon their purses, all, more or less of a religious nature.

Every special festival observed meant a contribution. The 5th Earl of Northumberland customarily gave on such occasions xij.d. himself, allowing his wife her proportional viij.d., while his heir and the younger children were supplied with correspondingly reduced sums. For one feast, that of Easter eve, ij.s. was also given to each ward and young gentleman at his Grace's "finding," for his offering.[88] Frequently these small contributions were a part of ceremonies picturesque and curiously symbolical: — "ITEM My Lordis Offerynge accustomede upon Candilmas-Day Yerely To be sett in his Lordschippis Candill to offer at the High Mas when his Lordschipp is at home V Groits for the V Joyes of Our Lady — xxd." The offerings of the rest of the family both on this feast and on that of St. Blaise's day were also "set" in their candles. On Good Friday and also on Easter day, "after the resurrection," it was given when the "cross was crept."[89] While the occasions for special

[87] *Mss. of the Duke of Rutland*, 4, 487. This was a universal custom; see *ibid.*, 342, and *Mss. of Lord Middleton*, 473.

[88] *Northumberland Household Book*, 335.

[89] The following is a description of the manner in which the King was accustomed to observe this ancient ceremony, — "Firste, the Kinge to come to the Chappell or Closset, withe the Lords, and Noblemen, waytinge upon him, without any Sword borne before hime as that day: And ther to tarrie in his Travers (i.e. closet) until the Byshope and the Deane have brought in the Crucifixe out of the Vestrie, and layd it upon the Cushion before the highe Alter. And then the Usher to lay a Carpett for the Kinge to Creepe To the Crosse upon." Bishop Percy's note in the *Northumberland Household Book*, pp. 436-437. It is quoted from "an ancient Book of the Ceremonial of the Kings of England," and the Bishop goes on to say ". . . in 1536, when the Convocation under Hen. VIII. abolished some of the old superstitious practices, this of Creeping to the Cross on Good-Friday, &c. was ordered to be retained as a laudable and edifying custom."

offerings were frequent, the sums thus given in this household were invariably small, amounting in the course of an entire twelve-month to little more than £1 for the whole family.[90] The earl further laid out other pittances yearly, each recorded in detail with his usual painstaking accuracy — all told, a matter of some forty shillings. Such included Shrine gifts: — "ITEM, My Lorde usith yerely to sende afor Mychealmas for his Lordschipe Offeringe to the Holy Blode of Haillis — iiij.d." [91] Equal sums were sent to Our Lady of Walsingham [92] and St. Margaret's in Lincolnshire.[93]

Also a part of this same were the costs of lights maintained by the year at each of the above Shrines and one ". . . to birne befor our Lady in the Whit-Frers of Doncaster of my Lordis foundacion at every Mas-tyme daily thorowout the Yere. . ." [94] There was no emotional romance or dazed piety about any of this procedure; whatever the lights stood for spiritually, after all, wax was wax, and his lordship paid his bounden way to righteousness as circumspectly as he laid in his food supplies: — "ITEM My Lord usith and accustomyth to sende yerely for the Upholdynge of the Light of Waxe which his Lordschip fyndis byrnynge yerely befor the Holy Bloude of Haillis Containing xvj lb. Wax in it aftir vij d. ob. for the fyndynge of every lb. if redy wrought By a Covenaunt maide by gret (i.e. gross, or in bulk.) with the Mounk for the hole Yere for fynding of the said

[90] *Northumberland Household Book*, 332-338.

[91] *Ibid.*, 337, Bishop Percy notes with evident satisfaction "This was a pretended Relique of the Blood of our Saviour, which was brought from the Holy Land, and deposited in the Monastery of Hales in Gloucestershire by Edmund Earl of Cornwall, (son of Richard King of the Romans, brother of King Henry III.) It has been commonly said to have been the blood of a Duck changed every week, . . . But Hearne has printed the Report of the Commissioners, who were sent purposely to examine it, at the Dissolution of the Monasteries; and it plainly appears to have been neither more nor less than CLARIFIED HONEY, 'which being in a glasse, appeared to be of a glisterynge Redd resemblynge partly the color of Blod.' "

[92] "The famous Image of the Virgin Mary, preserved in the Priory of Black Canons at Walsingham in Norfolk, was celebrated all over Europe for the Great Resort of Pilgrims and the rich offerings made to it." *Ibid.*, 338.

[93] *Northumberland Household Book*, 332-338.

[94] *Northumberland Household Book*, 338.

Light byrnynge — x.s." [95] Alas! crisp business even here, a once spontaneous and beautiful oblation gone into a sort of prayer-wheel jig, estimated by rote and bought at a bargain! His Grace, be it said to his credit, "rewarded" the monk, canon and priest who attended to his candles at these honoured Shrines, with iij.s:xij.d., and iij.s:iiij.d. respectively, per annum.[96] He also opened his heart once a year to the Prior of the White Friars of Doncaster, presenting him regularly with xx.s. ". . . toward the byeynge of ther Store agaynst the Advent befor Christynmas." [97]

The earl might be liable too for a yearly assessment of about 26s:8d. contingent upon his membership and that of his lady and his heir in St. Christopher's Guild, of York, for their brother- and sisterhood; and for a like relationship for himself and his wife in the religious House of "Saynt Roberts of Knasbrughe." This membership fee was given to the first organization ". . . At such tyme as the Masters of the said Saynt Cristofer Gild of York bringis my Lord and my Lady for their Lyverays a Yarde of Narrow Violette Cloth and a Yerde of Narow Rayd Cloth." [98]

Offerings and gifts similar to these and very many others were made by all of the Tudor Nobles. Lord John Howard, 1st Duke of Norfolk, was very precise with his contributions at Church, whether he were home, at Stoke,[99] or elsewhere — London, Westminster, Colchester, Durham, Norwich — whither soever business or pleasure carried him.[100] He visited at different times the famous Shrines of his day, like Walsingham,[101] or St. Edmund's Bury,[102] at which latter place an additional 8.d. was once paid "for to make a tabyr befor Seynt Edmond." Lady Howard likewise offered to Our Lady of Walsingham, giving once also, 6.d. "for a potel of oyle to the lampe" and 6.d. more for a pound of wax.[103] His lordship maintained his lamp in the Church of St. Nicholas at Colchester and had his involved

[95] *Ibid.*, 338.
[96] *Ibid.*, 341-342.
[97] *Ibid.*, 339.
[98] *Northumberland Household Book*, 347-348.
[99] *Howard Household Books* (Collier), 106, 117, 140, 144, 153, etc.
[100] *Ibid.*, 132, 180, 181, 223, 341, 342, 448, etc.
[101] *Ibid.* (in order to No. 109), 448, 339, 449, 49, 149-150, 359, 360, 447, etc., 163, 169, 176, 199, 222, 432 and 160.

"reckonings" with William Mann, sexton, over the oil and wax bills.[104] He made payments to friars,[105] donated to poor prisoners in the Castle at Colchester,[106] paid for special masses and shrivings,[107] contributed to lazars, and regularly, to the pious support of one Harry Elyse, a "gentleman Hermit," [108] and he once laid out the rather handsome sum of 21s. "for dressing of the roode at Dover courte with XXX sterys of gold, prise viij.d. a piece." [109]

The Earls of Rutland, in the earlier day paid "rewards" to St. Ann's Guild at Warden Abbey,[110] to the aldermen of the Guild of Our Lady at Boston,[111] purchased anniversary masses from the Prior and Convent of Holywell,[112] paid for lamp maintenance,[113] and the usual Shrine and Rood offerings.[114]

Money was similarly expended by the Willoughbys at Wollaton, while, in addition, small sums were given from time to time to pardoners,[115] friars and others, on pilgrimages to St. Michael's Mount, or other like venerated shrines,[116] to a "female anchorite," [117] to women collecting for a votive lamp maintenance,[118] to "gatherers" for bridge repair, one such structure being Our Lady Bridge at Tomworth,[119] which name suggests that its upkeep was a pious duty, — in fact to scores and scores of such "good works," small aids were continually given.

In conclusion, there is much to be said on behalf of the religious life fostered by these old Tudor Nobles. It is no niggard truth that such a life did prosper in every household, under an ample, if at times, a compulsory patronage. Often cherished and sustained, primarily, perhaps, for a utilitarian purpose, it grew, a well nurtured plant, to frequent flower in kindly charity and sympathetic feeling for God's little ones. Small consideration has been paid here to the more pretentious foundations which noblemen often supported, but in so hasty a survey of their humbler good works even, the spirit prompting to such very constant responsiveness is impressive. Their gifts were frequently petty, nay, pitifully ungenerous and mechanical, but often, on the other hand, they evidence a spontaneous heartiness, which warms one to this very day. The point again is, that they did give!

[110] *Mss. of Duke of Rutland*, 4 (in order to 114), 272, 275, 282.

[115] *Mss. of Lord Middleton* (in order to 119), 342, 348, 354, 335, 351, 384, 349, 384, 335, 376, 386, etc.

CHAPTER IX

MISCELLANEOUS SERVICE IN THE HOUSEHOLD

Bassiolo. Stand by there, make place.
Lasso. Saie now, Bassiolo, you on whom relies
The generall disposition of my house
In this our general preparation for the Duke,
Are all our officers at large instructed
For fit discharge of their peculiar places?
Bas. At large, my lord, instructed.
Las. Are all our chambers hung? Thinke yow our house
Amplie capacious to lodge all the traine?
Bas. Amply capacious, I am passing glad.
— *Chapman* — "*The Gentleman Usher.*" Act. 1, Sc. 2.

In addition to the branches of household service described thus far there were other departments in every great establishment, whose proper operation was relatively as important as was that of any already considered. To begin with, the bed-chamber service. Most of the members of a household, of course and commonly, many guests as well, had to be accommodated at night with properly equipped sleeping quarters. This urgent need for plenty of lodging room, accounts for the numerous chambers in the castles of noblemen, by far the greater number of their apartments being lodgings. Leckinfield, for example — one of the castles of the 5th Earl of Northumberland — certainly no extraordinary dwelling, had more than forty chambers or bedrooms;[1] and Sir John Fastolf's Castle at Caister had at least twenty-eight sleeping apartments.[2] Now the care of the bedrooms, with the custody of the necessary bedding and linens, together commonly, with all the arras and tapestry in an establishment, was entrusted to the Yeomen and Grooms of the Wardrobe of Beds, as the office was called. Under the general direction of the Gentlemen Ushers, they attended to the mending and

[1] *Northumberland Household Book*, 463-464.
[2] Inventory of the effects, etc., *Archaeologia*, XXI, 261 *et seq.*

repairing of any of their stuff when it was necessary, for which purpose the Yeomen, or one of them, had often to ". . . goe through the chambers both of gentelmen, yeomen, and groomes, and if he finde either wrentes or holes in their beddings or furniture, that the same may be amended; for a littell labour done in due time will save from much losse, which want of looking to will cause to happen. . ."[3] They also issued out bedding as needed, and of course, looked after all stuffs, linens and other, not in use. Their supplies were kept in neatly equipped ward rooms, fitted out with the necessary drawers, shelves and presses, and with ". . . chimney therein, that such household furniture as is not often used may therat be well aired."[4] Every Yeoman was enjoined to see ". . . as occasion serveth, that all his beddes, bolesters, and pillowes, with all the rest of the furniture for beddinge, be airede, and beaten, and that there bee noe duste in them, nether any mothes bredde, which both is a greate spoile to stuffe, but in that case dried wormewode is very good, and ofte turninge and airinge as abovesaide."[5]

Akin in occupation to these servitors were their fellows of the bed-chambers, whose labour was probably more skilled, however, because they were entrusted with the care of the clothing of the lord, and that of his family, much of which was exceedingly rich and very costly. Richard Brathwait well describes them and their functions in this wise: "They should be men brought up at Tailors occupation, that if ther be any thing amisse in the Earle or Ladies garments, they may be able to mend the same; skillful to brushe and rubb over, not onely garments of cloth, velvet, and silkes, but also cloth of gold and silver, and also in what sorte to foulde and lay up the same: they are to have a chimney in their Warderobe for ayringe of apparell. Their warderobe must be furnished with standerts, Tronkes, Presses, brushing-tables, linnen cloathes, Buckerams, and peeces of Sarcenet, to cover and carry garments in; which warderobe they must be passing carefull to keepe very cleane, and to see that all things therin be placed in decent order."[6]

In the household of the 5th Earl of Northumberland, the Yeo-

[3] Brathwait, 27.
[4] *Ibid.*, 27.
[5] *Breviate*, 334-335.
[6] Brathwait, 27.

man entrusted with the care of his Grace's clothing probably made up materials also. He was paid 13s.4d., by the year, ". . . for fyndynge of all maner of Threde belongynge the Sewyng of all manor of Stuf which is shapen and cutt in my Lordis Wardrob as well concernynge my Lorde my Lady my Lordis Children As thos which ar at my Lords fyndynge. . ."[7]

Both sets of servants had to keep their inventories of stuff, noting down carefully, everything which was at hand and its condition; what was actually worn out, and all the new materials coming in; furthermore, each year, when accounts were taken, which process, as noted already, included a general invoicing of all stock in hand, these servants of the ward-robe of beds, and of the bed-rooms, had likewise to fetch out all their goods, have them accounted, and then return them to their places.[8]

In addition to these duties, the ward-robe men cleaned their ward-robes, the bed-chambers and the galleries. How exacting and troublesome much of the work of both these sets of servants was, appears upon a consideration of the quality and amount of materials in their respective ward-robes, and the manner in which the chambers, and especially the beds, were fitted out for use.

In Sir John Fastolfe's mansion at Caister, all of the sleeping rooms but four, had their feather beds, bolsters, blankets and sheets, and even the four rooms not quite so completely equipped, two of which chambers were in the stables, had their mattresses, sheets and coverlets, of "blewe and rede." A complete picture of "My Maister is Chamber" is called up by the following list of its one time contents:

"In primis, j Fedderbedde. — Item j Donge (i.e. mattress) of fyne blewe.

"Item, j Bolster. — Item ij Blankettys of fustians.

"Item, j payre of Shetis. — Item j Purpeynt.

"Item, j hangyd Bedde of arras. — Item j Testour. — Item, j Selour (a covering for a seat or stool).

"Item, j Coveryng.

"Item, iij Curtaynes of grene worsted.

"Item, j Bankeur of tapestre warke.

[7] *Northumberland Household Book*, 349.

[8] *Ibid.*, 365.

"Item, iiij peces of Hangyng of grene worsted.

"Item, j Banker hangyng tapestry worke. — Item, j Cobbord Clothe.

"Item, ij staundyng Aundyris. — Item, j Fedderflok (i.e. Feather-bed).

"Item, j Chafern of laten. — Item, j payre of Tongys.

"Item, j payre of Bellewes. — Item, j litell Paylet. — Item ij Blankettys.

"Item, j payre of Schetys. — Item, j Coverlet.

"Item, vi White Cosschynes. — Item, ij Lytell Bellys.

"Item, j foldyng Table. — Item, j longe Chayre. — Item, j grene Chayre.

"Item, j hangyng Candylstyk of laton."

Interesting enough also, is the enumeration of the articles once in the chamber of Milicent Fastolfe, Sir John's wife: —

"In primis, j Fedder Bedde. — Item, j Bolster. — Item, j Materas.

"Item, j Quelte. — Item, smale Pyllowes of downe.

"Item, j honged Bedde of fyne whyte. — Item, ij smale Payletts.

"Item, j rede Coverlet. — Item, j leddre Pyllewe. — Item, j Basyn.

"Item, j Ewer. — Item, ij Pottys.

"Item, ij lyttyll Ewers of blew glasses powdered withe golde."

Several of the chambers were more elaborately equipped than either of the above — that of Sir Robert Inglose, for example, with its pillows of down and lavender, cushions of red silk and red saye, fine arras cloth, furred counterpayne, tester, and green carpet. Even the cook, in that remarkable old house was allowed his feather-bed, two sheets, and a red coverlet of roses and blood-hounds' heads!

Besides all this stuff regularly in use, Sir John's ward-robes were richly stored with quantities of fine goods — all manner of bedding, arras and tapestries. Among the items set down in the careful inventory are no less than thirty-three pillows of many sizes and materials — five of green silk, two of red velvet beaten upon satin, one of purple silk and gold, and several both of fustian and linen. Other sorts of bedding matched the pillows in elegance: — "J Cover of grene silke to a bedde, lyned with blewe silke. — Item, j close Bedde of palle grene and whyte,

with levys of golde. Item, j Donge (i.e. feather-bed) of purle sylke," etc., all of which must have been very splendid.

The supplies of arras cloth for hangings, bed dressing, testers, covers, selers (furnishings, probably for bed-heads) dais and benches, contained many elaborate and interesting pieces, especially the following, among them — One cloth of arras, called the "Shepherds Cloth," one, of the Assumption of Our Lady, one, "for the nether hall" ". . . with a geyaunt (giant) in the myddell beryng a legge of a bere in his honde." and one, for the west side of the Hall, of the Siege of Falaise. The dais in the same Hall had its cloth with ". . . j wodewose (wild-man) and j chylde in his armys." One cloth of arras showed ". . . iij archowrys on scheting a doke in the water withe a crosse bowe," while anothed displayed ". . . a gentlewoman harpyng by j castell in myddys of the clothe." A bed covering pictured ". . . hontyng of the bore, a man in blewe with a jagged hoode white and rede," etc.

Completing the long list of materials on hand, "Canvas in the Warderop and fyne Lynen Clothe of dyvers sortes" captions an enumeration of some forty odd pieces, several of which were very long, one alone being sixty yards in length, and not one of them under eight yards; the entire lot, not including several pieces the measurements of which were not recorded, totalled well over one thousand yards of material.[9]

Making up the beds, and particularly that of the master of the household, was by no means the least of the work of the Yeoman and Groom of the ward-robe of beds. Contemporary direction about so important a matter, set down for certain of the servants of King Henry the 8th, describes an intricate and an exacting process charged with ceremony and elaborate detail, to vex any but those born to the cloth, —

"Furste a groome or a page to take a torche & to goo to the warderobe of the kynges bedd, & bryng theym of the warderobe with the kynges stuff unto the chambr for makyng of the same bedde. — Where as ought to be a gentylman-usher, iiij yeomen of the chambr for to make the same bedde. The groome to stande at the bedds feete with his torche. — They of the warderobe opennyng the kinges stuff of hys bedde upon a fayre sheete

[9] Inventory of effects, etc., *Archaeologia* XXI, 232 *et seq.*

bytwen the stayde groome & the bedds fote, iij yeomen or two at the leste in every syde of the bedde. The gentylman usher and parte commaundyng theym what they shall doo. — A yoman with a dagger to searche the strawe of the kynges bedde that there be none untreuth therin. — And this yeoman to caste up the bedde of downe upon that, & oon of theym to tomble over yt for the serche thereof. Then they to bete and tufte the sayde bedde, & to laye oon then the bolster without touchyng of the bedd, where as it aught to lye. Then they are warderobe to delyver theym a fustyan takyng the saye therof. All theys yomen to laye theyr hands theron at oones, that they touch not the bedd, tyll yt be layed as it sholde be by the comaundement of the ussher. — And so the furste sheet in lyke wyse, and then to trusse in both sheete & fustyan rownde about the bedd of downe. The warderoper to delyver the second sheete unto two yeomen, they to crosse it over theyr arme, and to stryke (stroke) the bedde as the ussher shall more playnly shewe un to theym. Then every yoman layeing hande upon the sheete to laye the same sheete upon the bedde. And so the other fustyan upon or ij with suche coverynge as shall content the kynge. Thus doon the ij yoman next to the bedde to laye down agene the overmore fustyan, the yomen of the warderobe delyverynge theyme a pane sheete, the sayde yoman therewythall to cover the sayde bedde: And so then to laye down the overmost sheete from the beddes heed. And then the sayd ij yomen to laye all the overmost clothes of a quarter of the bedde. Then the warderoper to delyver unto theym such pyllowes as shall please the kynge. The sayd yoman to laye theym upon the bolster and the heed sheet with whych the sayde yoman shall cover the sayd pyllowes. And so to trusse the endes of the saide sheete under every end of the bolster. And then the sayd warderoper to delyver unto them ij lytle small pyllowes wherwythall the squyres fo rthe bodye or gentylman ussher shall give the saye to the warderoper, and to the yoman wyche have layde on hande upon the sayd bedde. And then the sayd ij yomen to laye upon the sayde bedde toward the bolster as yt was bifore. They makyng a crosse and kissynge yt where there handes were. Then ij yomen next to the sheete to make the feers, as the ussher shall teche theym. And so then every of them sticke up the aungell about the bedde, and to lette downe the corteyns of the sayd bedde or sparver.

Item, a squyer for the bodye or gentylman-ussher aught to sett the kynges sword at hys beddes heede.

Item, a squyer for the bodye aught to charge a secret groome or page to have the kepynge of the sayde bedde with a lyght unto the tyme the kynge, be disposed to goo to yt.

Item, a groome or a page aught to take a torche whyle the bedde ys yn makyng to fetche a loofe of brede, a pot with ale, a pott wyth wine for theym that maketh the bedde, and every man.

Item, the gentylman-ussher aught to forbede that no manner of man do sett eny dysshe uppon the kynge's bedde for fere of hurtyng of the kynge's ryche counterpoynt that lyeth therupon. And that the sayd ussher take goode heede, that noo man wipe or rubbe their handes uppon none arras of the kynges, wherby they myght bee hurted, in the chambr where the kynge ys specially, and in all other."[10]

It is very probable, from the great similarity between the royal household and the establishments of the nobility, that some such elaborate ceremony as this for making the king's bed, was in vogue in their households, especially on state occasions. Even the gentry in the England of the Tudors, owned nicely equipped beds. Thus, one John Amet the elder, cutler and citizen of London, through his will, dated 1473, "bequeathes to his sister Margaret the bed in his chamber, 'hoole as it is, that is to saye, feder bedde, matras, bolster, pyllowes, blankettis, sheteis, coverlet, quylte, tester, and three curtyns, iij payer of my beste sheteis and ij coverlettis, besyde that that lyeth on my bedde'."[11]

Finally, the polite lodging of guests, as set forth in another contemporary already quoted illustrates still another function of these ward-robe servitors. After describing the details of the dinner service, the account goes on: "Thenne it moste be sene yf strangers shalbe brought to chamber, and that the chamber be clenly appareld and dressed according to the tyme of the yere, as in wynter-tyme, fyre, in somur tyme the bedd couerd with pylawes and hedde-shetys in case they wolle rest. and after this done, they moste have chere of neweltees in the chamber. as

[10] The ceremonial of making the King's bed. *Archaeologia* IV, 311 *et seq.*

[11] *Italian Relation of England*, Camden Society; contains a description of the ceremonial for making the King's bed, as drawn up in the reign of Henry 7th.

Iuncate, cheryes, pepyns, and such neweltees as the tyme of yere requereth; or ellis grene ginger comfetts, with such thynge as wynter requereth; and swete wynes, as ypocrasse, Tyre, muscadell, bastard vernage, of the beste that may be had, to the honour and lawde of the principall of the house."[12]

These duties also, were carried out under the eyes of those dexterous servants, many of whose functions have already been considered — the Gentlemen Ushers; in the words of Brathwait ". . . They are often to goe into the warderobe of beddes, to see that all household furniture be safe and orderly kept; likewise into the Lodgings appointed for strangers, that they be cleanely and sweete kept, and all thinges in them necessarie and convenient. . . If Earles or great Lordes come to lodge ther, one of the gentleman Vshers is to attend them to their chambers, and during their aboade to see their Liveries and breakefastes orderly served: . . . If ther be Knightes or gentlemen of like qualitye, they must appointe some yeomen waiters of good experience, in like sorte to attend upon them."[13]

The inventories of the ward-robe stuff of a Tudor nobleman will likewise suffice to convince any patient reader of to-day, that the office of the ward-robe, like that of the ward-robe of beds, was no sinecure. Fancy the work involved in properly caring for the following rich clothing and harness formerly belonging to his Grace, Henry, Earl of Stafford —

"A gowne of clothe of tyssue, lyned with crymsyn satyn.

A gowne of russet tynsell, furred with black buggy.

A gowne of whyte damaske clothe of gold, lyned with crynsyn velvet.

A gowne of crynsyn velvet, lyned with damaske cloth of gold.

A gowne of whyte sylver, lyned with crynsyn velvet.

[12] *Manners and Meals in Olden Time*, Early Eng. Text Soc., ed. Furnivall, Part 3, 373. Furnivall says in a note to this part of the piece — "I do not suppose that each guest retired to his own bed-room, but to the general with-drawing room, — possibly used as a general bed-room also, when the Hall had ceased to be it. 'The Camera usually contained a bed, and the ordinary furniture of a bed-chamber; but it must be remembered that it still answered the purpose of a parlour or sitting-room, the bed being covered over during the daytime with a handsome coverlid, as is still the custom in France and other foreign countries to this day.' — *Domestic Architecture*, iii, 94-5."

[13] Brathwait, 11.

A gowne of greene velvet, lyned with grene satyn all through.

A gowne of taffita velvet, lyned with wright black satyn; the forent, the cap, and the hynder parte, with black sarcenet.

A gowne of black velvet, olde, lyned with tawny satyn through, and garded about with a broad yarde of velvet.

A gowne of black velvet, furred with fyne black buggie; the cap, the forfront, and the resydue with black lambe.

A gowne of russet velvett, velvet upon velvet, furred with black buggy all through.

A gowne of tawny velvet, furred with ribands all through.

A gowne of cloth of russett satyn, complete unmade.

A gowne of cloth of black satyn, complete unmade, with a cape to the same.

A lyninge of black sarcynet, with ij. pieces to the same.

A hole lyninge, for a gowne of whyte satyn.

A cote of cloth of tyssue, with di. sleeves, and a placard to the same.

A cote of damaske cloth of gold, with sleeves and placard therto.

A cote of purple velvet, embroidered with damask cloth of gold.

A cote of greene satyn, quylted and lettred with embroidered worke, placard and sleeves to the same, lackinge a faire boddy.

A cote of greene velvet, with ij. . . sleeves, and placard therto.

A jacket, satin, cloked with damaske cloth of gold, with half placard to the same.

A frocked jacket of crymsyn satyn and cloth of sylver, and underlayd with cloth of tyssue and crymsyn satyn.

A jackett of greene tynsell, lyned all through with greene sarcenet, and placard.

A frocke of crymsyn, welted with cloth of gold.

A frocke of black velvet, with ij welts of clothe of gold.

A dublet of cloth of tyssue, lyned through with blacke sarcenet, with a placard to the same.

A dublet of cloth of sylver, lyned through and underlayd with damaske cloth of gold, and lyned with whyte sarcenet through, with a placard.

A dublet of greene damaske clothe of golde, lyned with greene sarcenet through, and a placarde to the same.

A dublet of blewe tynsell, with a placard to the same.

A dublet of blacke satyn, with a placard and foresleeves of damask cloth of gold.

A dublet of cloth of sylver, with a placard to the same.

A dublet of crymsyn saten, with a placard to the same.

A dublet of crymsyn satyn, cut and underlayd with cloth of gold of damaske, lyned through with black sarcenet, and a placard to the same.

A dublet of crymsyn tynsell.

A payre of hosyn of skarlet, the brech of sylver, and underlayd with damaske cloth of gold, and two claspes, and two oies of sylver and gylt to the same.

Two payre of hosyn, skarlet, garded with crymsyn velvet.

A payre of hosyn of skarlet, garded with the same.

A payre of hosyn, black, with purple brech, embroidered and underlayd with cloth of sylver.

Two payre of hosyn black, and garded with the same.

A payre of hosyn of lether, the brech of skarlet, and garded with the same.

A petycoate of skarlett.

A cloke of skarlett.

Three plumettes of feders, wherof one blacke, one russett, and vij. crymsyn.

A gowne layd with sylver and gylt, and a girdle of greene ribband silke with a greate knot therto.

A payre of arminge spores, and arminge sworde, with a cloth corded with crymsyn velvet. A buckler.

A paire of stirropes, gilt, newe, the ledders corded with crymsyn velvett.

A paire of stirropes, olde and gilt, the ledders corded with crymsyn velvett.

A paire of stirropes, the ledders corded with crymsyn velvett, and greene and whyte lares.

Tye hoses of greene velvett, embroidered with clothe of gold.

A hole hors harnes of crymsyn velvet, frynged with damaske cloth of gold, and a pilyon of crymsyn velvet for my Lady, embroidered with damaske cloth of golde.

A harnes of blacke velvet stoded with . . . and gilt.

A horse harnes of greene velvet, embroidered with damaske cloth of gold.

A headstall and a reane of crymsyn velvet, guarded with whyte and greene ribands.

A sadle covered with crymsyn velvet, frynged with damaske and gold.

A saddle covered with black velvet, frynged with damask and gold, and new girthes to the same.

A saddle, covered with black clothes for a male, and girthes to the same.

A sumpter saddle.

Two barbes for horses.

A paire of buskyns of blacke velvet.

iij. paire of buskyns of blacke clothe.

ij. payre of yellow buskyns.

iij. payre of buskyns.

A payre of shoes of crymsyn velvet quartered.

iij. payre of shoes of whyte clothe, wherof one paire given to Mr. Audley, the ij^{d} day of October.

iiij paire of shoes of redd clothe.

iij. paire of yellow clothe.

A payre of arminge shoes.

A payre of slippers of redd letter.

A paire of male gerthes.

A sumpter cloth, containing in length ij.y^{ds}, and in bredth a y^{d} and di.

A sumpter cloth, contayning in length ij. yerdes, and in bredth 1 y^{d} and di.

A gowne of tynsell with crymsyn saten.

A gowne of damaske clothe of golde, lyned with crymsyn saten.

A gowne of damaske clothe of gold, furred with ermyne.

A gowne of crymsyn tynsell, lyned with crymsyn velvet.

A gowne of cloth of sylver, lyned with damaske clothe of gold.

A gowne of crymsyn velvett, perled, and lyned with cloth of sylver.

A gowne of purple velvett, lyned with cloth of damaske golde.

A gowne of blacke velvett, lyned with crymsyn tynsell.

A gowne of greene velvett, lyned with greene saten.

A gowne of whyte satyn, lyned with crymsyn velvett.

A gowne of blacke velvett, furred with mynever.

A gowne of black velvett, lyned with crymsyn saten.
A gowne of tawney velvet.
A gowne of blacke damaske, lyned with blacke velvet.
A gowne of russet satyn, lyned with grene tynsell.
A gowne of tawney camlet, lyned with tawney velvet.
A kirtle of damaske cloth of golde.
A kirtle of yellow satyn.
A kirtle of white satyn.
A kirtle of black velvet.
A kirtle of russet satyn.
A cloke.
A christeninge gown of blewe velvet, furred and powdered with armins.
A payre of shoes of black velvet.
A payre of shoes of blacke cloth.
A payre of slippers of black velvet.
A payre of slippers of black lether." [14]

This is a very long inventory, but many like it, and some with more items of wearing apparel still, could have been listed. Indirectly it conveys a fair impression of an important part of the work of the men entrusted with the care of all this rich stuff.

The ward-robers were busy servitors; those in office for the 5th Earl of Northumberland, some six men and a child, were among the few servants in that great household, the exigencies of whose offices relieved them from personal attendance upon his Grace at all hours of the day. Even when there was a press of strangers to be entertained, these men were not called upon to help in the Hall or the Great Chamber, if their proper work were at all engaging.[15]

Another much prized household department was the Armory. Richard Brathwait writes concerning it as follows: "It is a thing very commendable that the Earle have a faire Armorye well furnished with Armours, Weapons, and shott; and it will be a good example for such Noblemen and gentlemen as shall see the same, to furnish themselves according to their places and degrees; for (albeit I hope, and with all my harte doe pray, that the Kings Majestie may long raigne over this Realme of Greate

[14] *Italian Relation of England*, Camden Society, 125-129.
[15] *Northumberland Household Book*, 326-327.

Brittaine in prosperity and peace) yet I thincke it were not amisse in time of peace to have this noble Realme furnished and provided of all things necessary for Armes." [16]

As a matter of fact, most noblemen had their armories which were probably well equipped. The historian Harrison, in his chapter on Armour and Munitions says — "As for the armories of some of the nobilitie (whereof I also haue seene a part) they are so well furnished, [that] within some one baron's custodie I haue seene three score [or a hundred] corslets at once, beside caliuers (i.e. colivers) hand-guns, bowes, sheffes of arrowes, pikes, bils, polaxes, flaskes, touchboxes, targets, &c: the verie sight wherof appalled my courage." [17]

What an armory of the early day, (about the middle of the 15th century) might have in the way of equipment, may be seen from the inventories of Sir John Fastolfe, quoted above. Among other paraphernalia for war-fare, that famous old soldier had stored up in his domestic arsenal the following items — Pieces of satin and silk for dublets and jackets; jacks of black linen cloth, stuffed with mail, and canvas and mail; caps armored with mail and horn; mailed gloves of sheep and doe skin; great cross-bows of steel; with a great double windlass; small and great quarrels — the latter feathered with brass; cuirasses, Briganderons, Haubergeons, Ventaylettes, a Garde-de-bras, Salades and spear-heads.

Turning to the days of Elizabeth, it appears that the armory of one of her great military men, at least, was well supplied with equipment; when Lord Willoughby was in the Netherlands, one of his servants, John Stubbe, wrote to his Grace, under date of May 14th, 1585, concerning some domestic affairs, and especially about the proposed removal of some equipment from the armory; he expresses himself with solicitude as follows in part — "There are also sixty armours to be carried out of the house and over seas, for the delivery of which she (Lady Willoughby) would gladly have your warrant. She is having them dressed, so that they may be ready when cousin Wingfield calls for them. Wingfield says that he has authority from you to take these things without other warrant to her. 'Good my Lord, my Lady your

[16] Brathwait, 40.

[17] *Description of England*, Book II, 282, New Shakespeare Society.

wife takes hirself for guardian of your house and what is therein during your absence; . . . it wold remedy all to delyver your pleasure in a few written words. To say truth it is no tryfelyng matter to empty your store house of armor. It is a man's other thresory, therfor requireth som warrant from yourself. A man shall hardly get a robbinet out of hir Majesties armory without a warrant."[18]

The household armory was in the care of the Armorers, who were regularly enrolled in the servant corps. Regarding the duties of these men, Brathwait again, expresses himself as follows: "If the one of the Armorers be a perfect workeman, the other may serve, though he be of lesse skill; for I would have them not onely able to scoure and dresse Armours, weapons and shott, and to place the same in the Armorye in decent and seemely manner, but also to make Armours, wherby the Earle shal be better furnished, and they kept from idlenes."[19]

The 5th Earl of Northumberland employed four hands, all of whom probably belonged to this service. The first of these was the overseer of the armory and the armorer who received for his ". . . Fee an Hole Yere for that caus to be payd ones a Yere at Michalmis — xx.s." The second was the Armorer himself, who supplied some of the materials of his craft — emery and oil for cleaning and polishing, and buckles, leather and nails for repairing his goods; his remuneration was 53s: 4d. per annum, in household wages, plus an additional fee of 10s. paid to him twice a year — at Lady-Day and Michaelmas. The two other men were a "Bower" and a "Fletcher" respectively; the former hired ". . . for seynge and Dryssynge of all my Lordis Bowes in the Yoman of Bowes kepynge from tyme to tyme Viz. for Settynge Pullynge and Skynnynge of them yerely as oft as they nede at his owen cost and charge And to fynde Horne Glewe and all maner of things that they lak for mendynge of them when they be faltid Which my Lord gyffith to hym yerely for his Fee for mendynge and seynge to my said Lordis Bowes to be paid ones a Yere at Michalmas for the hole Yere — xxs."

The Fletcher attended to the dressing of all the arrows, he, like his brothers ". . . to fynde Wax Glewe Silke and al

[18] *Grimsthorpe House Papers*, 25.

[19] Brathwait, 40.

maner of othir things that laks for mendyinge of the said Arrowes. . .''[20]

It was the question of military preparedness, further, together with the need of being well equipped against several of the common diversions of the day, which accounted for the importance of still another household department — that of the Horse. The 5th Earl of Northumberland ordinarily sheltered and fed from twenty-seven to thirty-three horses. These were for the use of members of the family and certain servants, for the most part connected with the stables; they were catalogued in the household accounts after their various uses — gentle horse, palfreys for my lady and her women, his Grace's hobbies and nags, a male-horse for carrying the earl's armor, sumpters or cloth-sack horses, for transporting his bed and wearing apparel, great trotting horses for drawing the ''chariot,'' three horses for the mill, two of which were used to run the machinery, while the third carted grain and meal to and from the mill — and seven for the servants ''that ar at my Lordes Horsyng.''

During the winter, the earl's careful economy limited the number of horses to twenty-one, kept by the establishment at ''hard meat'' in the stables. Evidently her Grace staid in-doors during that rigorous season; at any rate, her palfreys were off the pay-roll. The earl drew up this latter list which was ''. . . not to be excidit without my Lordes Pleasure knowen upon a(any) Consideracion,'' while his heir was still in his nonage; notwithstanding that fact, his Grace proudly anticipates the young man's happy maturity by listing ''THE HORSSES that my Lorde allowith the LORDE PERCY his Son and Heire to have stondynge in his Lordshipes STABLE When he is at Yeres to ryde and is at my Lords Fyndynge.''

Truly one would need little more than this old accounting to estimate the high status in the family of the heir of the House! No horses were listed for the use of the women, as above observed; the earl himself, furthermore, was content with two nags, one ''for change,'' while four more had to suffice for carriage of his stuff when he traveled — his bed, clothing, armor, shaving-basin and ewer, the latter utensils, in such an exigency, under the charge of a Groom of the Ewery. A nag apiece was

[20] *Northumberland Household Book*, 349, 352.

allotted my lord's second and third sons, while in glittering contrast to the humble estate of these luckless minors, and proportionally, to that of the earl himself, the generous provision of six horses must have gone far toward satisfying every galloping whim of the young scion upon whose shoulders would presently descend the ancient dignity of the House. Once vouchsafed a proper coming of age, young Lord Percy had his travelling equipment handsomely assured. He would ride in winter on a great double trotting horse; another steed of similar fashion, called a "Curtall" should bear his young Grace out of towns, while, with lavish profusion, still a third was guaranteed to facilitate his proper entry into the same centres of civilization. An ambling horse for daily travel, with "A proper ambling little Nag" against hawking and hunting, and a great ambling gelding to lug armor and a change of apparel, completed the really splendid out-fit destined one day to be his![21]

These horses owned by the earl, however, assured less than half of the mounted presentation made by his Grace's establishment when travelling; all but seven of the members of the so-called "riding household," probably owned their own horses, but the necessary fodder for them, together with horse-meat as they called it, was paid for winter and summer, by Northumberland.[22]

Northumberland's riding establishment, at least that part of it actually owned and maintained at his expense, was small. In 1469, the Duke of Clarence had ninty-three horses in his stables, sixty-nine of which were "double horses," while twenty-four were hackneys. Their bare maintenance cost the prince £266: 17: 3. per annum; hay, one load per diem costing £73 a year; oats, of which 1820 quarters were required in a twelve-month, amounted to £151: 13: 4; litter for bedding — one hundred and four loads a year, cost £6: 18: 8, while shoeing totaled £35: 5: 3. in a year.[23] This however, was probably a sumptuous equipment for that time, and belonging to a prince of the blood, may have been above the average. On May 22nd, 1546, however, the Duchess of Suffolk had "90 horses and geldings of all ages and

[21] *Northumberland Household Book*, 55 *et seq.*, 357 *et seq.*, etc.
[22] *Ibid.*, 34, 37.
[23] *Royal Household Ordinances*, 104.

both ambling and trotting, 'as well of the stood as for the careage'. . . " in her stables and pastures at Grimsthorpe.[24] A contemporary biographer also affirms that the stables of Lord Burghley cost that nobleman at least 1000 marks per annum,[25] while, in 1561, Edward, Earl of Derby, spent £53:18:11 on beans and oats alone, for horse feed, and the thirteen "stablers" enrolled in the servant corps of the Earl Henry, speak well for the riding equipment of that nobleman.[26]

The conduct of the stables, like all the other household departments, was in the hands of Yeomen and Grooms, customarily called after their special branches of service "Yeomen of the Horses," "Yeomen of the Waineries," "Yeomen of the Stirrups," "Groom Sumpterman," or "Groom of the Hackneys" etc. They one and all took their orders from the Gentleman of the Horse, a functionary, who, from the importance of his station, was almost on a par with the great officers of the household.

According to Brathwait, the office of Gentleman of the Horse was ". . . not properly of household, yet annexed vnto it; so that if the cheefe officers doe, either in the saide gentleman, or any els belonging to the stable, finde offences, they may correct and punish the same." The functions of his office ran the usual wide gamut of duties; he had to know the horses weel, breeding, buying and training being among his important charges. "He is to take delight in being often in the stable, as also in riding himselfe vpon great Horses which will cause the Rider to be more diligent to make them well mouthed and ready to gallop the Ringe, to mannage, to make the standinge turne, to passe the Taro, to retire, to curvet, and bownde, and runne a swift careere, and to make a iust and true stopp. If an horse can doe all theese well, he may be allowed for an horse of service, although ther be divers other things for pleasure, which the Rider may practize."[27]

The Gentleman of the Horse held the appointment of his Yeomen and Grooms and exercised a constant surveillance over them; while under ordinary circumstances such superintendence were

[24] *Grimsthorpe House Papers*, 453.
[25] Peck, *Desiderata Curiosa*, 22 *et seq.*
[26] *Stanley Papers*, Part 2, 3, 27, 86-87.
[27] Brathwait, 13 and following.

detailed enough, yet when the household moved, or when his Lordship travelled, a special responsibility fell to the share of this official; diligent painstaking was his day's order; ". . . in Iourneying, . . . he is to be last up in the evening, and first in the morning, and to be in the stables both after and before the grooms, which will cause both yeomen and groomes to be more diligent, and yet all will be little enough, as by experience he shall finde."

When his Lord journeyed furthermore, the Gentleman of the Horse gave personal attendance — "Hee is to attende his lorde taking horsse, to helpe him up and downe, and to bee alewayes neare his personne, so lonnge as hee is on horsse backe, and to see his lordes spare horsse bee ever neare and reddie uppon call, likewise to see the footemen bee reddie to attende on eather side."[28]

Finally, this officer, like his fellows in other trusts, had his careful accounts to keep — lists of all the horses, their condition, the pedigrees of foals and fillies bred in the stud, inventories of all stable paraphernalia, the feed stored and used, with the source of supply and the prices affixed, together with all the expense accounts when the household or some part of it travelled.

Some of these accounts were very full and accurate. One drawn up in April of 1547, of the horses belonging to the Duchess of Suffolk, fills three and one-half printed pages. Its title in part indicates its scope — "The booke of suche horses as my Lades grace hathe at Grimsthorpe or ellse where the 28 of Aprill, anno primo Ed. VI., with a booke thereonto anexed of all suche horses and geldinges as hath ben solde, geven or died since the 22 of May anno 38 Hen. VIII., untill this same daye afor named." The tabulation, as the title sets forth, describes the horses, trotting, ambling, etc., frequently with some further useful characteristics, age and perchance, pedigree. . . "A baye flanders mare with four whight fett." "Baye flanders with a melle (i.e. tender) mothe," etc.[29]

A man of first rate intelligence and not a little technical training, the Gentleman of the Horse filled a conspicuous office in the household. In the social life of the establishment also, his status

[28] *Breviate*, 326.

[29] *Grimsthorpe House Papers*, 453 *et seq.*

was high; dining at the table of the first officers, he was furthermore honoured with the distinction of carrying up the first dish to his lordship's board, while if guests were being entertained, he might perchance be summoned to fill the very honourable position of Carver or Sewer to his Grace.

A very peculiar honour, in conclusion, fell to the Gentleman of the Horse upon the sad occasion of his noble master's demise. In the stately funeral procession, the favorite riding-horse of the deceased was saddled and bridled with black velvet trappings, and led, immediately behind the corpse of its late master, by this officer, its somber equipment subsequently falling to him as a dole.[30]

A passing note, finally, should be taken of the Garden department, among these miscellaneous branches of household service. Brathwait's description of the duties of Gardners, affords, as usual, a good insight into the great store set by well conducted gardens among the nobility of the Tudor period. "The Gardiners should not onely be diligent and painefull, but also experienced and skilfull, at the least the one of them to have seene the fine gardens about London and in Kent; to be able to cast out the Quarters of the garden as may be most convenient, that the Walkes and Allies may be longe and large; to cast up mounts, and to make fine Arbours; to set hedges, and finely to cut them; to tread out knottes in the quarters of Armes and fine devises, to set and sowe in them sweete smelling flowers and strewing hearbes; to have in the finest parts of the garden, Artichocks, Pompions, Melons, Cucumbers, and such like; in other places convenient, Radishes, Keritts, Carrets, and other rootes, with store of all kinde of hearbes for the Kitchen and Apothecary: to know what flowers and hearbes will beste endure the Sunne, and which neede most to be shaded: in like sorte for the East and North winds, not onely to be skilful in planting and grafting all kinds of fruicte trees, but also how to place them in best order: to be able to iudge of the best times and seasons to plante and graft all fruictes, and to sett and sowe all flowers, hearbes, rootes; and also the best time when to cut and gather all hearbes, and seedes, and fruictes, and in what sorte to keepe and preserve them: to make fair bowling Alleys, well banked,

[30] Brathwait, 16.

and soaled; which being well kepte in many howses are very profitable to the gardiners. . .''[31]

It is not necessary after this sketch, and with all that has been written about the subject, to comment (in detail) on the wonderful results achieved in gardening by some of the experts in the art at this time in England. The Garden of Lord Burghley, at his house Theobalds, must have been wonderfully beautiful; the observant Hentzner visited it and set down this brief description. ". . . from this place (the gallery) one goes into the garden, encompassed with a ditch full of water, large enough for one to have the pleasure of going in a boat, and rowing between the shrubs; here are a great variety of trees and plants; labyrinths made with a great deal of labour; a jet d'eau, with its bason of white marble; columns and pyramids of wood and other materials up and down the garden. After seeing these, we were led by the gardner into the summer-house, in the lower part of which, built semicircularly, are the twelve Roman emperors in white marble, and a table of touchstone; the upper part of it is set round with cisterns of lead, into which the water is conveyed through pipes, so that fish may be kept in them, and in summer time they are very convenient for bathing; in another room for entertainment, very near this, and joined to it by a little bridge, was an oval table of red marble.''[32]

King James I afterwards further improved and embellished this celebrated garden, and another foreigner, one Mandelslo, visiting England in 1640, impressed with its verdant splendours, also left a short record of his visit to it—"It is large and square, having all its walls covered with sillery, and a beautiful jet d'eau in the centre. The parterre hath many pleasant walks, many of which are planted on the sides with espaliers, and others arched over. Some of the trees are limes and elms, and at the end is a small mount, called the Mount of Venus, which is placed in the midst of a labyrinth, and is upon the whole, one of the most beautiful spots in the world.''[33]

Truly the gardens ran a wide range of usefulness, furnishing play-grounds, picturesque walks, and by no means least, fresh fruits and vegetables for the table and herbs for the apothecary!

[31] *Ibid.*, 39-40.

[32] Hentzner's *Travels*, 38.

[33] *Voyages de Mandelslo*, quoted in *Archaeologia*, VII, 121.

CHAPTER X

SOME DIVERSIONS IN THE HOUSEHOLD

This furthermore is to be noted, that our princes (Princesse. Ed.) and the nobilitie haue their cariage commonlie made by carts, wherby it cometh to passe, that when the queenes maiestie dooth remoue from anie one place to another, there are vsuallie 400 carewares, (which amount to the summe of 2400 horsses,) appointed out of the countries adioining whereby his cariage is conueied vnto the appointed place. . .''

— HARRISON, *Description of England.*

Tudor noblemen, if they kept their estates up properly, were apt to be very busy men — more so, if they took any share in the worldly affairs of their day, as most of them did. However, the intricate details of estate management, no more than the perennial demands of politics or social life, exacting as these might be, filled all of their time, and a wide and varied round of diversions helped them fleet their leisure hours pleasantly enough. Among other amusements to be briefly observed, there were two practices common among all the nobility, which border, at least, on diversions — these were moving from residence to residence, and travelling; some of the details involved in the conduct of these two activities are exceedingly interesting.

All noblemen customarily owned several residences which they reserved for their own use, at each of which they dwelt for varying lengths of time every year. The 5th Earl of Northumberland owned, among other castles and manours, four places in Yorkshire, devoted during parts of each year to his personal use. These were the Castles of Leckinfield and Wressil, the latter about one-half the size of Leckinfield — New Lodge in Leckinfield Park, and Topclif, described by Leland "as a goodly maner house yn a parke;" Leckinfield was situated two miles from the town of Beverly, while Wressil was equally distant

from Howeden Market "where the bishop of Durham hath a faire palace."[1]

The great Earls of Derby, Lancashire noblemen, likewise retained in the 16th century, several houses for their own accommodation — Lathom House, New Park, a lodge in Lathom Park, and Knowsley, all frequently mentioned in their household books.[2] Lord Willoughby had his residence, Grimsthorpe House, in Lincoln County, another place at Stamford in the same county, as well as his London residence in the Barbican; and a contemporary biographer, describing the housekeeping of Lord Burghley says "And first . . . it is to be noted, he kept principally two houses or families; one at London, the other at Theobalds. Though he was also at chardge both at Burghley and at Court, which made his houses in a manner four."[4] This practice was common with all the nobility.

The Earl of Northumberland and the Earls of Derby used their lodges for housekeeping during short periods only, when accounts were being taken, or as temporary dwellings, while one of their greater houses was being opened up; and in Northumberland's case, residence at New Lodge was always with a limited household. On the other hand, when the entire establishment was "set up" at one of the large castles, it remained in occupation usually for some months — perhaps half a year running, being known during such time as the "standing house." Thus in 1586, the Earl of Derby resided at Knowsley from July 18th to December 24th. In the year following, Lathom House was occupied from May 13th to July 24th, when the household returned to Knowsley, remaining there until February of '88. In 1589, part of June and July was spent at Lathom, whilst during the summer and the early autumn, Knowsley was again open. From January to April of 1590, the household resided at Lathom, Knowsley being the residence that year from June until the end of August.[5]

The 5th Earl of Northumberland probably divided his residence somewhat after this fashion between his two Castles of

[1] *Northumberland Household Book*, 465.
[2] *Stanley Papers*, Pt. 2.
[3] *Grimsthorpe House Papers.*
[4] Peck, *Desiderata Curiosa*, 22 *et seq.*
[5] *Stanley Papers*, Pt. 2.

Leckinfield and Wressil, the first of which houses, however, with the New Lodge in the neighboring park, was officially closed each year from Hallowe'en until Shrovetide.[6]

The process of moving the household from one residence to another was quite a ponderous labour, conducted with a good deal of ceremony, and well bolstered up with certified bills and all the customary clerk-work. Certain of the servants always went ahead to open up a castle and set all in readiness for habitation against the coming of the rest of the family; and while no country place was ever left without a keeper, or entirely closed, fitting for residence a castle like Leckinfield, with its eighty-three odd apartments, "houses" and chambers, all but eleven of which were shut up during the winter, must have been quite an undertaking.

If the family spent some time at a lodge, or in a neighboring town, between breaking up at one castle and re-establishing housekeeping at another — a thing frequently done — certain servants were given liberty to go about their own affairs in that interim, and probably, as in the Northumberland household, lost their wages for that period; still other servants were delegated to stay on in the castle about to be quit; some might be placed at board-wages in the town were the family sojourned, drawing pay also for attendance upon the lord and lady, which they customarily gave between meals; whilst still others of the servant group dwelt in the usual intimate association with the family, devoting their time and attention to household service as under ordinary conditions. For each of these groups, a check-roll would be made out by one of the Clerks of the Brevements, or the Clerk of the Kitchen, containing the names of the servants and their offices in the household, and in Northumberland's household these bills received his Grace's signature, after they had passed his scrutiny.[7]

Moving entailed, further, the actual transportation of much household material — furnishings, and servant equipments. In the household of the 5th Earl of Northumberland, "cariages" were used for this purpose, and each time residence was changed

[6] *Northumberland Household Book*, 377 *et seq.*

[7] *Northumberland Household Book*, 193-194, 250-251, 261-263. See also *Stanley Papers*, Pt. 2, 37, and Peck, *op. cit.*, 22 *et seq.*

by the establishment, the loading of the carriages was superintended by his Grace's Marshals and Ushers of the Hall, under direction of the head officers, who, in turn, worked after the household rule for moving, set up by the earl himself with his domestic council.

According to this regulation of Northumberland's, at each removal, three carriages were set aside for the ward-robe stuff; this included apparel belonging to the earl himself, his wife, and her ladyship's gentlewomen; their bedding, with that for the children, and other articles, presumably also personal, from the Great Chamber. Two of these carriages had to take everything except stuff actually in use by the people concerned — ". . . the Stuf that doith hange and the Beddes, . . ." for the removal of which the remaining carriage was reserved.

Into another vehicle was placed the clothing of the older children and that of their attendants and servants. Single carts were likewise assigned, one for the lighter vestry furnishings, a second to the cups, cans, cruses, basins, chipping-knives, and linen, from the pantry, buttery, seller and ewery, with the bedding and clothing of the servants of those offices; a third to the bake-house appurtenance, with the beds, apparel, and other belongings of the Bakers, Brewers and Groom Ushers; a fourth similarly accomodated the Attorney, if he were in the house, the two Auditors, two Carvers, two Sewers and two Gentlemen Waiters; a fifth was used thus by the Gentlemen and Yeomen of the Chambers; a sixth and seventh to the impedimenta of the eight household clerks — four to a cart, each group with its "Gret Standert Chest for carying of ther Bookes. . ."; an eighth lugged stuff for the two Chaplains, the Officers of Arms, four Yeomen of the Chamber, four Yeomen Waiters and the two Porters — all, two to a bed, sorted after their callings, whilst a ninth cart accomodated the "Toilles," bedding and apparel of the Smith, Joiner, Painter, the two Minstrels, and the two Huntsmen.

Two carriages were required for the utensils from the kitchen, scullery, larder and pastry departments, including spits, pots, pans, "traffets" (i.e. milk strainers), racks, "Pryntes" (moulds?) for pastry, scullery vessels, dresser clothes, ". . . with the ij Beddes for the iiij Cookes to ly in And all the Parsans

ther apparrell. . . ." and two carriages were scheduled likewise for the bedding and clothing belonging to the Dean, Sub-Dean, Priests, Gentlemen and Children of the Chapel, with that of the Yeoman and Groom of the Vestry; the Priests and Gentlemen of the Chapel were allowed a bed to each couple, the Yeoman and Groom also slept together, whilst the little youngsters were bundled three to a bed; one of the carts loaded the beds, whilst the other stored wearing apparel.[8]

Thus, might one have been a wayfarer on that Yorkshire roadway lying between Leckinfield and Wressil Castles, on a fine September day, Anno Domini 1520, perhaps there had lumbered past him down the rutted way, a creaking caravan of seventeen clumsy vehicles, in each of which was carefully stored a goodly portion of the domestic paraphernalia belonging to the greatest nobleman in those parts — the mighty 5th Earl of Northumberland. Nay, such processions must have been common enough sights in Sixteenth-century England, momentarily stirring the admiration or the hatred perhaps, of the country folk, according to the character of the particular nobleman owning the goods. But as old Harrison would say, whither is our dreaming fancy carrying us! Moving on its practical side was a troublesome exercise, necessary perhaps, to more easily reach food stored up on different demesnes; however, the whole process was conducted with a fine flourish, which leads one to believe that it was not entirely an unpleasant work, while to a lord himself, and particularly to many in his household, moving from residence to residence must have proved an agreeable change of surroundings quite worth the temporary annoyance.

Very similar to this cumbersome but stately order for moving from house to house, was the regulation of the Riding Household — an institution whose proper organization and working was certainly a source of pride and satisfaction to those haughty, aristocratic old noblemen. Probably it was a portion of some nobleman's Riding Household which Paul Hentzner saw, and which led him to comment upon the proud character of the English; at any rate the Riding Household was that very goodly part of the regular establishment, which was detailed to accom-

[8] *Northumberland Household Book*, 386 *et seq.*

pany a nobleman on his travels either about his own country, or abroad, should fortune carry him thither.

In personnel the Riding Household was simply a diminished domestic equipment, practically every department of the regular home establishment being represented in it. It was organized to give such service, as far as circumstances would permit, as that which a nobleman enjoyed at home — to guarantee satisfaction of his every want, and by no means least, to assure the royal splendor and maintain the dignity of the house before the world.

The "SHORTE DRAUGHT made of TH'ORDER of my Lordes SERVAUNTES of the RIDING HOUSHOLDE As well Winter as Somer How they shal be appointed to gif their Attendaunce daily at every tyme when my Lorde rides" enumerates the Riding Household of the 5th Earl of Northumberland. There were detailed first, a group of five servants ". . . that RIDES befoir with hym that goith to taike up my Lordes Lodginges when his Lordeschippe rides" including in order a Yeoman Usher of the chamber "for taking of my Lordes Lodginges," a Clerk of the Kitchen, who saw all of the offices properly equipped for the incoming of their officers, "a Yeoman Uscher of the Hall for Herbigiours for my Lordes Servantes," a groom for his Lordship's chamber, and a Yeoman or a Groom Cook. In this group, the Harbinger was a most important functionary, one whose duties must often have been perplexing and of a nature to strain the temper of any but an even tempered soul; mention has been made before of the very conscientious attention paid to rank in Tudor times; it was an exceedingly precious commodity, each member of a household establishment, as of other institutions, guarding his modicum of status jealously; now when the household moved, of course there must be no pell-mell jumbling of potentiores and inferiores. Every mother's son had to be lodged while on the road exactly at his proper radius from his noble master and this finickin task was the Harbinger's chief duty. George, Duke of Clarence prescribed the following regulations for men filling this office in his household, and they well illustrate the exacting nature of this servitor's work:

"ITEM, it is appoynted that the herbergoures for the tyme

beinge shall make herbergage to everye estate, and other persons of the courte, that, after theire estate and degrees, they have lodginge nexte to my lord, as theyre offices and attendaunces require. And that noe man of the seid courte presume to dislodge any man, or take any lodginge, other then shall be appoynted by the seid herbergoures; and if case be that any of the seid company be lodged, yett for resonable causes and considerations to remove hym, and otherwise lodge hym, as the case shall require. Alway forseen that in the town adjoyning to my lorde's lodginge be reserved and kept reasonable lodging for straungers, and suche as shalle resorte to the seide Duke; and if any man presume to do or offend contrarye to this ordinaunce, to be punished, for the furst offence to leese a monethe's wages; the second tyme to be emprisoned; the third tyme to be putte oute of the courte."[9]

To return to the Riding Household — in addition to these of the first group, a party of officers called cloth-sack officers rode likewise, ever in advance of the real cavalcade; they were a Groom Sumpterman for the Cloth-Sack with his lordship's bed, a similar officer with the cloth-sack with the coffers, and the gentlemen servants attendant upon the cloth-sacks.

Finally, in the procession proper, a Yeoman of the Cellar, with his cup, Marshals of the Hall, an Officer of Arms, Gentlemen Attendants, a Gentleman Usher of the Chamber, together with a Sewer, Carver, Cup-bearer and Chaplain, rode ahead of the earl, while in the rear this veritable ambassadorial accompaniment was rounded up by the Yeomen of the Robes, Horses, Chambers, Pantry, Buttery, and the Yeomen Waiters, the Grooms of the Chambers, Ward-robe, Ewery and Stirrups, Clerks of the Signet and Foreign Expenses and ". . . all outher Yomen being with my Lorde to ride bihinde my Lorde in like caas."[10]

There were fifty-seven people in Northumberland's Riding Household, a complete equipment, and proportionally as dignified and serviceable as that of the Duke of Clarence, which latter, with its high officers, Chaplains, Bachelor Knights, Secretary, Ushers, Yeomen and Grooms, Herald-Messengers and Trumpets,

[9] *Royal Household Ordinances*, 94.

[10] *Northumberland Household Book*, 156 *et seq.*

listed in 1469, some one hundred and eighty-eight persons.[11] What a picturesque and truly splendid institution, this of the Riding Household! Its advanced guard of busy harbingers with their attendants to select and assign proper quarters to all in his Grace's train; then the cavalcade itself, all duly officered and equipped to make the best possible presentation, and guarantee his lordship the elaborate ceremonial of home service; all en route, furthermore, moving to the brisk note of the trumpet. Each establishment, as noted, had its Trumpets and Drums, and according to Brathwait, the former musician was a prominent personage when the household moved — "When the Earle is to ride a Journey, he is early every morning to sownde, to give warning, that the Officers may have time to make all things ready for breakefast, and the groomes of the stable to dresse and meate the horses. When it is breakefast time, he is to make his second sounding: breakefast ended, and things in a readiness, he is to sounde the third time, to call to horse. He is to ride formost, both out and into any towne, sounding his trumpet. Upon the way he may sounde for pleasure. But if he see the day so spent that they are like to bringe late to their lodging, he is to sound the Tantara, to move them to hasten their pace." The trumpeter blew with a right good lust too, for our pleasant old author warns him and the drummer ". . . to goe often into the Stable, to acquainte the horses with the sounde of the trumpet, and the noise of the drumme."[12] If in the daily life of these old noblemen there was much which impresses one as barbaric, truly they did foster a tone, a varied colour in their domestic institutions indicative of a vigorous zest for life and its possibilities which is refreshing to contemplate!

The noblemen's resources for diversions, more strictly speaking, were astonishingly varied; without mentioning the numerous games and races, enlivened ordinarily by betting, a round of diversified entertainment was readily available certainly, for any interested in it, running all the way from the curious charms of a wandering bear-ward or juggler, to a piece, perchance by the Royal Players themselves!

In 1560-61, Richard Bertie (later Lord Willoughby) and his

[11] *Royal Household Ordinances*, 99.

[12] Brathwait, 44-45.

Countess enjoyed miscellaneous entertainment, a part of which with their rewards was as follows: "To one of Borne, which brought a bayting bull," 3s.4d. "To one which played the hobby horse before my Master and Ladies Grace." 6s.8d. "To Goods the master of fense and his companie which played before her Grace." 13s.4d. "To two men which played upon the puppetts two nights before herr Grace." 6s.8d. "To four musitians and a hobby horse which weare at Beleawe at the marriage of Mr. Carro and Denman." 15s.10d. "To a moresse dawncer of litle Bytam." 2s. "To a jugler With his musisioner at Mr. Nautons mariage." 10s.[13]

Belvoir Castle was visited by jugglers, mummers, bull-baiters, dancing bears, bear-wards, among others — those of the Queen, and those of their Lords of Suffolk and Westmoreland, — jesters and fighting dogs, for all of which amusement small sums were paid out by their Graces.[14] Not infrequently too, noblemen depended upon home talent for this sort of diversion. The 5th Earl of Northumberland had his own bear-ward, as did many of the noblemen, and his Grace "usithe and accustomyth to gyfe yerly when his Lordschipe is at home to his Barward when he comyth to my Lorde in Cristmas with his Lordshippes Beests for makynge of his Lordschip pastyme the said xij days — xxs."

Such was a common part of the miscellaneous entertainment of the day, a kind of motly vaudeville, in circuit from castle to castle. A higher type of amusement, certainly, was offered in that drama-loving age by the scores and scores of player troops, maintained frequently by noblemen themselves, by royalty, and also by many of the cities. Most, if not all of such troops, toured the great houses of the nobility, and their performances, together with plays done often by the servants of a household, certainly offered a great variety of dramatic entertainment.

At Belvoir Castle rewards were paid through a series of years to players of the Lord Marquis of Exeter, to those of Lincoln, Wigan, Holland, Sleaford, Derbyshire, Doncaster, Newark, Lynn, to the Queen's troupe, Lady Suffolk's, Lord Shandone's (Shannon's?), Lord Berkley's, Lord Dudley's, Lord Mounteagle's, to the Children of Newark, and to many other troupes which

[13] *Grimsthorpe House Papers*, 463 *et seq.*

[14] *Mss. of Duke of Rutland*, 4, 270 *et seq.*

weren't named specifically. These illustrations are perfectly characteristic of all households; further evidence, however, of the great prevalence of this kind of entertainment is offered in the exact schedule of player rewards drawn up by the 5th Earl of Northumberland for observance in his establishment: "ITEM My Lorde usith and accustometh to gif yerely when his Lordshipp is at home to every Erlis Players that comes to his Lordschipe bitwixt Cristynmas ande Candlemas If he be his speciall Lorde and Frende ande Kynsman — xxs." and again, with due observance of relative merit: "ITEM My Lorde usith and accustomyth to gyf yerely when his Lordship is at home to every Lordis Players that comyth to his Lordschipe betwixt Cristynmas and Candilmas — xs."

The Children of the Chapel of this nobleman, furthermore, were practised in the performance of religious pieces at least; they received xxs ". . . if they doo play the Play of the Nativitie uppon Cristynmes-Day in the mornnynge in my Lords Chapell befor his Lordship." They received the same fee for enacting the play of the Resurrection upon Easter morning, and shared with the other servant performers a x s. bonus for ". . . the Play befor his Lordship uppon Shroftewsday at night. . ." The Christmas plays in this household were under the management of his Grace's Master of the Revels, whose pay was xxs ". . . for the overseyinge and orderinge of his Lordships Playes Interludes and Dresinge that is plaid befor his Lordschips in his Hous in the xijth Dayes of Cristenmas. . ."[15]

Beside this director of the season's dramatic activities, an Abbot of Misrule also held sway for the earl over the Holiday festivities in general and was rewarded with xxs. like the Master of the Revels, for his efforts.[16]

It is delightful to record that most of the entertainment of the day was graced with an accompaniment of that "commendable sweete science," music, as Brathwait well calls it. Every household had its "musitianers," some of whose pleasant services have already been observed. They had other duties, however, full as

[15] *Northumberland Household Book*, 339 *et seq.*

[16] Bishop Percy, the editor of the *Northumberland Household Book*, says that the Abbot of Misrule was probably the same personage who was later called the Lord of Misrule, after the time of the Reformation, when the word Abbot had an ill sound.

dainty as their play at feasts and upon journeys, one of which was their joyous heralding in of the New Year, done at the chamber door of the master of the household, early in the morning, and then, in turn at the bed-room doors of the members of the family. The 5th Earl of Northumberland records his bounden requital of these aubades with his usual exactness:—"ITEM My Lorde usith ande accustomyth to gyfe yerly when his Lordshipp is at home to his Mynstraills that be daly in his Houshold as his Tabret Lute ande Rebek upon New-Yeares-Day in the mornynge when they doo play at my Lordis Chambre doure for his Lordschipe and my Lady xxs. Viz. xiijs.iiijd. for my Lorde and vjs.viiijd. for my Lady if sche be at my Lordis fyndynge and not at hir owen And for playinge at my Lordis sone and heir Chaumbre doure the Lord Percy ijs. And for playinge at the Chaumbre doures of my Lords Yonger Sonnes my Yonge Maisters after viijd. the pece for every of them — xxiijs.iiijd."[17]

Brathwait notes another common duty of the household musicians — "They are to teach the Earle's children to singe and play upon the Base Violl, the Virginalls, Lute, Bandora or Citerne."[18] In all households, in fact, teaching their art was probably no small part of the musician's work. At Belvoir, Lady Frances Manners was taught the guitar, and earlier, her ladyship in that household probably knew the lute, as an outlay of £3:7s. for a lute, a lute book and a set of song books would seem to imply; at one time, his lordship played upon the viol too.[19]

At Wallaton, Francis, nephew of the Willoughby's, was taught to sing,[20] and payments were recorded for lessons on the virginals. Not infrequently also, likely talent in some member of the household force perhaps, or even in one outside the establishment, attracted the attention of some member of a nobleman's family, and forthwith a jocund philanthropy urged instruction for its development. At Belvoir, for example, little Richard, my lady's Page, was taught to play upon the lute,[21]

[17] *Northumberland Household Book*, 343-344. Similar payments were made in all households.

[18] Brathwait, 44.

[19] *Mss. of the Duke of Rutland*, 4, 532, 432.

[20] *Mss. of Lord Middleton*, 412, 413, 414.

[21] *MSS. of the Duke of Rutland*, 4, 381.

and the Steward of Lord John Howard of Norfolk noted, "Item, the same day my Lord made comenaunte with Willm Wastell, of London, harper, that he shall have the sone of John Colet of Colchester, harper, for a yere, to teche hym to harpe and to synge, for the whiche techynge my Lord shall geve hym xiij.s. iiij.d. and a gown; wherof my Lord toke hym in ernest vj.s. viij.d. And at the ende of the yere he shall have the remenaunt, and is gown; and he is bound be endentur to my Lord to performe this comenauntes before wretyn." [22]

There was, in truth, a remarkable zest for music among the Tudor nobility; their household books abound with expense items noting the purchase of all manner of musical gear — instruments, materials for their equipment, costs for their repair, songs, anthems, all the cheerful paraphernalia needed in its performance. These items are constantly recurring, and some of them, especially those of the purchase of instruments, were often quite large. At Belvoir, for example, in 1602, a harp was bought, costing £8, and a viol da gamba costing £4, while an organ installed in 1620, a much more elaborate instrument certainly than those in the Chapel of the 5th Earl of Northumberland, cost £55, and was paid for in installments! [23]

The great taste for music among the nobility was in large part gratified too, as was their enthusiasm for dramatics, by the performances of skilled musicians of all kinds, who, like their brothers of the stage, toured the country, stopping for brief sojourns at the great houses of the nobles, especially during the Holiday season, all of whom were eager to exercise their pretty skill for the ever coveted pittance.

Away back in the early day, Lord John Howard, at this place Stoke, in Suffolk, was visited from time to time by the Lord of Kent's Minstrels, The Trumpets of the Lord of Glocester, Lady Norfolk's Minstrels, My Lord of Glocester's Shalms, Lord Make's Minstrels, the Minstrels of Colchester, Thos. Stokes, Min-

[22] *Howard Household Books* (Collier), 300-301. Music was not always reserved for feasts and entertainments only; in the household of the 5th Earl of Northumberland, it is noteworthy that in the servant attendance ordained for the Great Chamber for the evening, there were two minstrel yeomen waiters!

[23] *MSS. of the Duke of Rutland*, 4, 434, 516.

strel of Hadley, Thos. Gardener, Minstrel of Hersted, and other wandering artists whose names are forever lost.[24] Still more varied and picturesque lists than this might be made up for the other great houses like Belvoir, or Grimsthorpe; but the prevalence of these tours by different performers is best illustrated again, as was the case with the players, by the accurate regulations of the 5th Earl of Northumberland regarding them: "ITEM My Lorde usith and accustomyth to gyfe yerly to every Erlis Mynstrellis when they custome to come to hym yerely iijs. iiijd. Ande if they come to my Lord seldome ones in ij or iij yeres then vis.viijd. — vi s. viijd." The "Kyngs Shames" received for their yearly performance xs., and every ". . . Dookes or Erlis Trumpetts if they com vj together to his Lordshipp Viz. if they come yerly vjs.viijd. ande if they come but in ij or iij Yeres than — xs." [25]

At a later date the amounts laid out on Christmas music were very much greater than the sums disbursed by this old Yorkshire house. At Belvoir, in the early 17th century, £6:13s:4d. was a common payment, through a series of years, for that part of the festivities.[26]

Withal, however, the age was a propitious one for music and musicians. The 5th Earl of Northumberland paid his Taborette player £4 a quarter — as much as his Dean of the Chapel received, and the salaries per quarter of the other Minstrels — the lute and rebec players, viz. 33s:4d. compare very favorably with the stipends of the other household servitors.[27] Music, in short was an indispensable, fine commodity, and one of the bookkeepers for the Willoughby's at Wallaton neatly illustrated the fact when he entered the purchase of a virginal among the "Necessaries of House" in his accounts! [28]

In brief conclusion regarding amusements. Many noblemen in the Tudor period were very cultured men, and derived no little pleasure and profit from the purchase and study of Mss. and books which they stored in their libraries. All houses had their

[24] *Howard Household Books* (Collier), 107, 116, 142, 145, 207, 216, 294, 336, 340, etc.

[25] *Northumberland Household Book*, 339, 341.

[26] *MSS. of the Duke of Rutland*, 4, 504, 514, 523, etc.

[27] *Northumberland Household Book*, 46 *et seq.*

[28] *Mss. of Lord Middleton*, 397.

libraries, and some castles had several; Leckinfield, for example, one of the fortified residences of the 5th Earl of Northumberland, contained two libraries reserved for his Grace, one of them probably a little cabinet, as it is described as having been "over the Chapell Dour," and my Lady's library. To all of these rooms fuel allowances were made in winter, even when his Grace wasn't abiding at the castle. The large library of Earl Percy was probably tastefully embellished for its day; the industrious and observant Leland, who described the Castle in his Itinerary, says that several of the apartments were inscribed on the walls or the roofs, and among the rooms so decorated was the earl's library; "The Proverbis in the Roufe of my Lordis Library at Lekyngfelde" contained twenty stanzas of four lines, of which the following, with its budget of sage advice is one: —

> To every tale geve thou no credens.
> Prove the cause, or thou gyve sentens.
> Agayn the right make no dyffens
> So hast thou a clene Consciens.[29]

Regarding the purchase of books, Brathwait's advice to noblemen in the matter is interesting as reflecting the taste of a contemporary cultured gentleman, and probably of noblemen themselves, as he evidently founded most of what he said upon observation of actual conditions. He is writing concerning the keeping of books of payments, which he would have divided into different categories to suit different purchases made, and one of these categories should be "Bookes bought" — "Vnder this title," he goes on, "are to be set downe all bookes, papers, parchement, wax, standishes, Inkehornes, Inkepottes, Inkedust, and boxes, Incke, Pennes, and Quilles, etc. And here I doe wish the Earle not to be sparing of his purse, but to have a faire Library, furnished with bookes both of Divinitye and Philosophy, Astrology, Cosmography, Lawe, Arte of Warr, Heraldry; but especially to be furnished with bookes Historicall, both concerning the Church, and also all Countryes and Commonwealthes, with Globes, Cards, and Mappes; and, as leasure will serve, to exercise himselfe in reading and perusing of them." [30]

As a matter of fact there was a good deal of book-buying

[29] *Northumberland Household Book*, 461-462.

[30] Brathwait, 49.

among the noblemen, as their household books, inventories of goods, and catalogues of libraries will attest. Sir William Fairfax, who lived in the latter half of the 16th century, left, among the inventories of his other household goods "A note of all my Bookes Remayning at Gillinge." The little catalogue lists some thirty-nine volumes classified by their owner into three groups — "Latten," "ffrench" and "Inglish." The titles may not have constituted the complete library at this one residence — Gilling, but even if they did, they were sufficiently interesting, and cast a very pleasant light on the gentler interests of this illustrious heir of a famous house.

The different works cover a variety of subjects; those in Latin included the Meditations of St. Augustine, a New Testament, the Biblia Magna Jeronomi, together with the latter's Promptuarium, some Chronicles, and a work entitled Praedium Rusticum. The French works were more numerous and varied — Livy, Tacitus, Caesar's Commentaries, Svetone Tranquille de la vie des xij Caesars, Machiavelli's Discourses, the Philocopius of Boccaccio, "Le tierce part de Afrique," "La description de tous les Pays-Bas," and then, amidst this solid stuff of the ages — "Le guidon des parens en instruccon de leurs E (enfants?)," Le Peregrin, and last, but probably by no means least, in the estimate of some of the members in the household anyhow, an exceedingly popular book "Le Thresor des livres Damades de Gaull" and "Le dis 1me Livre Damadis de Gaule." Among the English titles were the classics Plutarch, Froissart, Chaucer and Hollinshed, together with a curious assortment including "Sir Roger Williams' booke," probably "A Brief Discourse of War" by the famous Welsh soldier, chiefly of Low Country fame — a work simply styled "Appian," doubtless the History of Appian of Alexandria — a famous controversial work of the day, Fulke's Testament, entered in his catalogue by Fairfax as "Fulks answere to Rehms testament," the meaning of which becomes apparent on noting the complete title of the old book — "The Text of the New Testament of Jesus Christ, translated out of the Vulgar Latine by the Papists of the traiterous Seminarie at Rhemes . . . with a confutation of all such arguments, Glasses, and Annotations, as conteine manifest impietie." London, 1589.; a work called "The French Academy," John Nichols pilgrimage,

and then the quaint titles "A perfect plote of a hope garden." "A summons for slepers," "Pathway to Martiall disciplyne," "A booke of hawkyn," "A Register of all the gentlemens arms yn great chamber," and some others difficult to identify.[31]

A far more interesting and important collection than this just noted, was the splendid library of Mss. and printed books, assembled by Lord William Howard at his principal residence Naworth Castle. Howard was a writer and an antiquarian of ability; when a young man he published an edition of Florence of Worcester's Chronicle which he dedicated to Lord Burghley;[32] he was the personal friend and co-worker of Cotton and Camden, and certainly an indefatigable lover and collector of books. The catalogues of Mss. which he had at Naworth embrace sixty-five titles of works on a variety of subjects, many written in Latin — poetry, history, biography, works on legal and medical subjects, on heraldry, family documents, miscellaneous pieces like "A Declaration of the Receipts of the Treasury of England from Mich. 1604 to Easter following," political writings like "Arguments for Ship money; Pro. and Con." and a mass of theological and religious writing. Many of these manuscripts probably were beautifully executed too, for after some of their titles the cataloguer has written "Liber elegans et ornatus." In addition to this large collection of Mss., now long since scattered, a catalogue of books and Mss. also owned by this remarkable man, and still preserved at Naworth, contains two hundred and forty-two titles of works on theological, controversial, historical, legal, classical and miscellaneous subjects, the entire catalogue filling some seventeen large octavo pages.[33]

Information of this same sort could be gleaned from most household account books; for book and Mss. buying and reading were much practised interests among the noblemen of the Tudor period. It is very noteworthy also, that many of books which noblemen bought were by contemporary writers, so that if all noblemen read as carefully as Lord William Howard's annotated pages proclaim that he did, they must have been an alert and well-informed part of the population.

[31] *Catalogues*, etc., in *Archaeologia*, 48-1, 152-153.

[32] *Household Books of Lord William Howard of Naworth Castle*, Preface, lxii.

[33] *Ibid.*, 470 *et seq.*

With these very brief notes on a subject well worthy of a complete and careful study, I bid farewell to my noble householders and their faithful book-keepers. How widely, I wonder, have I mistaken their ancient doings! This I can affirm, that my study of their household accounts, which reflect so faithfully their domestic life in all its interesting phases, has bred in me a very great admiration, nay, a warm feeling of affection for the once vigorous and ever illustrious men of the Tudor Nobility, truly a stalwart and a mighty race! Despite this, though, I alas! like my beloved friend Richard Brathwait, would gladly consign my painful work to a well-deserved oblivion, fearfully, out-of-hand, as he attempted to do in his very self-abnegating coda, winding up his remarkable little treatise: "As in the beginning I protested I had neither president nor recorde to followe, so doe I now further affirme (and that moste trulye) that in my time I have not seene any, and so may you guesse by this my worthlesse worke, which is so harsh and unpleasante that I thincke you will be as weary in the reading as I of the writing, but if you be, blame yourselfe; for as I entend not to maintaine errours committed, noe more will I excuse faultes escaped, and as it is private for yourself so make it not publicke to my disgrace."![34]

[34] Brathwait, 50.

APPENDIX A

SIR THOMAS LOVELL'S SERVANTS IN 1522

(Extracts from Household Accounts, Hist. Mss. Com., *Mss. of the Duke of Rutland*, vol. 4, pp. 260-262.)

Among the chief officials are a Receiver, an "out Steward" of all the lands in York, a house Steward, an Auditor, and with these one "Robert Roth, of Endfeld, esquyre, reteigned of councell," who was hired for that year at least.

Chapleyns —
Sir Cuthbert Lyghtefote, prest
Sir Henry Sperke, prest
Sir Henry Smyth, prest
Gentylmen Wayters —
(There are ten named.)
"Offycers"
Clerke of the kechyn
Yoman of the celler
Ussher of the hall
Yoman of the botry — 2
Catour
Yoman of the lardour
Cooke — 3
Squyllyon
Harsteller (ostler)
Turnour of the broches
Keper of the garner
Baker — 3
Brewer
Underbrewer
Yoman of your warderobe
Grome of the warderobe
Portour
Slawterman and maker of your talow candelles for lightes
Keper of your wodde and coole
Yomen wayters — 16

Servantes exercising their faculteis –
Fawkener — 2
Hunte (huntsman)
Warner (warrener)
Orgonpleyer
Keper of the beiberne and sumpterhors
Keper of your gardeyn
Carpenter
Joynour
Browderer
Armourer
Carpetmaker
Hedgeer
Cowper
Mylner
Shepperde
Keper of the Deyery groundes
Attending on the children — 1
Wafermaker
Horsekepers — 6
Carters and laborers — 7
Keper of the deyery and her 2 servauntes, lawnderers
Keper of the pulletrye
At Haliwell —
Margaret Fisher, keeper of your place there
Nicholas Bemond, gardner.

SERVANTS OF THE EARL OF RUTLAND IN 1539

Op. cit., p. 296 *et seq.*

Treasorer
Comptroller
Gentylwomen wayters — 6 regularly and 3 others at times
Chapelyns — 4, and in two quarters 1 other
Fyzytyon — Doctor Gwynne (name cancelled in this quarter; in the 3 other quarters without any fee).
Potycares — Maister (blank in all quarters).
Secretores — 1
Gentylmen Ussers — 2
Gentylmen Waters — 9 and 1 added in 3 quarters.
Scole Masters — 1
Clerks of the Kichen — 3, and in 3 quarters — 2.
Yeomen Ushers — 2
Yemen Waters of the Chambur — 8
Gromes of the Chamber — 5
Seller — 2
Pantre — 2
Buttre — 3, at times.
Ewerye — 1
Ussers of the Halle — 2
Warderope — 5
Mynstrelles — 2
Porters — 2
Bakers — 5, apparently not all on at once.
Bruers — 3, not all at one time.
Stable — 7, not all at once.
Yemen Cokes — 2
Gromes of the Kichen — 4
Lardermen — 2
Aumers — 1 (Almoners)
Scullerye — 1
Gardyners — 2
(Armerers — 1)
Huntes — 1
Caters — 1
Waryners — 1 (warreners)
Kepers of Hay — 2
Slaughtermen — 1
(Smythe — 1)
Cowpers
Sheperdes — 3
Bargemen — 1
Women of the Laundre — 5
Dare Women — 1
Pultre Women
Kepers of Hallywell — 1
Kepers of Pastures — 3
Myllers — 1
Maser Scowrers — 2 (Masers, i.e. wooden bowls)
Joners — 2 (joiners)
(Waterdrawers — 1)
(Glaysers — 2)
(Carpynters — 1, and servant)
(Carters — 2)
(Tillers — 1)
(Surgyons — 1)

SUMMARY OF RICHARD BERTIE'S HOUSEHOLD IN 1560-62

Extracts from his Household Books, printed in Hist. Mss. Com. *Report on the Mss. of the Earl of Ancaster*, 1907, pp. 459-60.

The Master; his Lady, the Countess; the Children — Mr. Peregrine and Mistress Susan, and the Lady Elinor. Among the servants were the following: Steward, Comptroller, Preach-

er, Cofferer, A Master of Horses, Gentlemen Ushers, Gentlemen Waiters, Clerk of the Provisions, Father Fryer — yeoman of the Cellar, Anthony Pigott — butler, A Pantler, yeomen ushers, grooms, yeomen of the wardrobe, cooks, children of the kitchen, Grooms of the stable, gentlemen servants and a number of gentlemen, and women servants.

SUMMARY OF HENRY EARL OF WORCESTER'S SERVANTS

(From a description by an old servant, written in 1694, ". . . to the best of my personal remembrance." Hist. Mss. Com., 12th Report, Pt. 9, pp. 5 *et seq.*

Steward, the Duke's Tutor, Comptroller, Auditor and Secretary, Master of Horse. His gentlemen waiters and pages. His Clerk of the Kitchen, and Yeomen Officers of the house — Groom of the Chamber, Ushers of the Hall, etc. (This list is necessarily incomplete, for it is compiled from this old servant's description of the way dinner used to be served in the house, and his emphasis is not on the servants.)

APPENDIX B

THE ESSENTIAL SERVANTS IN THE HOUSEHOLD OF A NOBLEMAN

as seen in "A Breviate Touching the Order and Government of a Nobleman's House," etc. 1605. *Archaeologia* xiii, pp. 315 *et seq.*

The head officers are Steward, Comptroller, Surveyor, Receiver, and Auditor. In the rank and file are the Gentleman Usher, the Gentleman of the Horse, a Learned Steward, the Clerk of the Kitchen, Yeoman Usher of the Great Chamber, and one of the Hall, and the other customary Yeomen — Ewery, Cellar, Pantry, Buttery, Wardrobe, Horse, Caskes, Larder, Garner, Yeoman Porter, Baker, Brewer, Yeoman of the Scullery, and finally, a Cator, or Caterer, and a Slaughterman. This list is also incomplete for there is no mention of cooks, for example.

APPENDIX C

OF BREADS USED BY THE ENGLISH NOBILITY

Harrison describes the English Breads of his day as follows:

"The bread through out the land is made of such graine as the soile yeeldeth, neuerthelesse the gentilitie commonlie prouide themselues sufficientlie of wheat for their owne tables, whilest their household and poore neighbours in some shires are inforced to content themselues with rie, or barleie, yea and in time of dearth manie with bread made either of beans, peason, or otes, or of altogither and some acornes among, of which scourge the poorest does soonest tast, sith they are least able to prouide of better. . . Of bread made of wheat we haue sundrie sorts, dailie brought to table, whereof the first and most excellent is the mainchet, which we commonlie call white bread . . . and our good workemen deliuer commonlie such proportion, that of the flower of one bushell with another they make fortie cast of manchet, of which euerie lofe weigheth eight ounces into the ouen, and six ounces out, as I haue been informed. The second is the cheat or wheaton bread, so named bicause the colour therof resembleth the graie or yellowish wheat, being cleane and well dressed, and out of this is the coursest of the bran (vsuallie called gurgeons or pollard) taken. The raueled is a kind of cheat bread also, but it reteineth more of the grosse, and lesse of the pure substance of the wheat: and this being more sleightlie wrought vp, is vsed in the halles of the nobilitie, and gentrie onelie, whereas the other either is or should be baked in cities & good townes of an appointed size (according to such price as the corne dooth beare) and by a statute prouided by king Iohn in that behalfe. The raueled cheat therfore is generallie so made out of one bushell of meale, after two and twentie pounds of bran sifted and taken from it (wherevnte they ad the gurgeons that rise from the manchet) they make thirtie cast, euerie lofe weigh-

ing eighteen ounces into the ouen and sixteene ounces out; and beside this they so handle the matter that to euerie bushell of meale they ad onelie two and twentie or three and twentie pound of water, washing also in some houses there corne before it go to the mill, whereby their manchet bread is more excellent in colour and pleasing to the eie, than otherwise it would be. The next sort is named browne bread of the colour, of which we haue two sorts, one baked vp as it cometh from the mill, so that neither the bran nor the floure are anie whit diminished. . . The other hath little or no floure at all, . . . and it is not onlie the woorst and weakest of all the other sorts, but also appointed in old time for seruants, slaues, and the inferiour kind of people to feed vpon. Herevnto likewise, bicause it is drie and brickle in the working (for it will hardlie be made vp handsomelie into loaues) some adde a portion of rie meale in our time, wherby the rough drinesse or the drie roughness therof is somewhat qualified, & then it is named misclin, that is, bread made of mingled corne, albeit that diuerse doo sow or mingle wheat & rie of set purpose at the mill, or before it come there, and sell the same at the markets vnder the aforesaid name." — Holinshed, Vol. 1, pp. 283-284.

In 1469, George, Duke of Clarence issued the following rule to his bakers: "ITEM, It is appoynted that there be in the bakehouse a yeoman, a groome, and a page; and that they bake daily, . . . payne-mayneys at every second daye, manchete brede and rounde brede for housholde, proportionably to the numbyr of the same; and that they make of every bushell of whete xxx lofes, weyinge to the ovyn xxx ounces, and well baken xxviii ounces of goode paste; and halfe that weight for small breade for leyvereyes; takinge alweye twoe payne-maynes, and twoe manchettes, for the lofe; and that they be ready to bake brede for horses and houndes, the branne alweye reserved to that use of the said Duke; alsoe, that the seid brede be wayed in the counting-house, as ofte as it shall be nedeful; and if the weights or the paste be not sufficiaunte, then the tresspassoures to be punished after theire desertes." — *Household Ordinances*, pp. 91-92.

In the latter half of the 16th century, Edward, Earl of Derby's bread receipts were these: —

"BREADE viz.

"Of a Pecke of Wheate & lieke quantitie of Barly mingled to-

Of a Pecke of Wheat & lieke quantitie of Barly mingled together there is made of household breade xxxti caste conteyning threescore loffes. IT'M of every mette of fyne wheate made in Manchetts there is fyve score coste of manchets conteyning tenscore manchettes.

"DREDGE viz.

"Of every Windle or mette of wheate baken in grate loffes for Dredge to the Kitchen there is made Sixe loffes." — *Stanley Papers*, Part 2, p. 12.

In 1512, the Earl of Northumberland ordered "horse-bread" baked from beans, one quarter of which made one hundred and seventy-two loaves. His bread for household was made after the following proportions: — "ITEM it is Ordered ande Agreide by my Lorde his Heed Officers ande Counsaill that the Baker shall Aunswarr my Lorde of every Quarter of Wheet in Manchetts DCXL after ij Maunchetts to a Loof Of household Breed cciiij score ande of Trenchor Breed cciiij score bicause the Loofs of the Trenchor Breed be larger than the Loofs of Household Breed." — *Northumberland Household Book*, pp. 122-123, 134.

Richard Brathwait describes the duties of the Yeoman Baker thus: "The Yeoman Baker should be skilfull in his occupation, to make his manchet and bonnes white, light, well seasoned, and crusted; his sippet breade in high loaves, set in the oven close together, that on the sides they may have little or noe crust, and as small bottomes and toppes as may be, for they are to be cutt into sippets and to dredge meat withall, the crustes onely serve to increase the Pantlers fees. He is to make cheate bread of three sortes; fine cheat, middle cheate, and course cheate; every of these is to be well leavened, kneaded, moulded, and baked: for if the baker will not take paines in his kneading and moulding, though the Corne be good, the bread will be nought. He and the groome must be skilfull and carefull in heating the Ovens, for if they be either too hott or too slacke, the paines they have taken in kneading and moulding, by the ill baking, will be disgraced. . ." — Brathwait, *op. cit.*, pp. 36-37.

APPENDIX D

FRESH ACATES

In 1512, the Earl of Northumberland provided for the purchase throughout the year of the following "cates" or "Fresh Acates" —

Capon, pigs, geese, chickens, hens, pidgeons, conies, swans, plovers, crains, heronsews, mallards, teals, woodcocks, wipes, seagulls, stints, quails, snipes, partridges, redshanks, bitterns, feasants reys, scolards, kerlews, peacocks, wild-fowls, sea-pies, wegions, knots, dotterells, bustard, terns, great birds, small birds, larks, bacon flicks, eggs and milk. — *Household Book*, 102-108.

Fresh Acates at Wallaton in 1523, included the following items: —

Fish, including conger and porpoise, river fish, mussels, cockels, oysters, crabs, mustard, bread, honey, raisins, figs, almonds, eggs, chickens, sparrows, vinegar, wine, ale, pigeons, capons, wood-cocks, etc. — *Mss. of Lord Middleton*, 362.

In 1612, Lord William Howard of Naworth, purchased the following cates, his purchases running right through the year: —

Fowls, eggs, salmon, moorcock, mallards, stockdoves, blackcock, hares, woodcock, pigs, herrings, cockles, leeks, trout, shrimps, thornbacks, fresh cod, lobster, crabs, lambs, veal head and feet, kid, a side of mutton, teals, sturgeon, curlew, throsells, butter, geese, seal, plovers, lapwings, ducks, porpoise, young salmon, flounders, whitings, eels, turbot, bret (a fish like turbot), ringdoves, sheldrakes, wimeons, teal, dowcker, godwits, redshanks, sea-pies, cheese, etc. — *Household Books of Lord William Howard*, 20 *et seq.*

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